



Mayor
Scott Korthuis

Council Members
Gary Bode
Ron De Valois
Gerald Kuiken
Nick H. Laninga
Brent Lenssen
Kyle Strengholt
Mark Wohlrab

City Council Agenda - Regular Meeting
City Hall Annex, 205 4th Street
December 02, 2019

Call to Order

Pledge of Allegiance

Roll Call

Oath of Office

Approval of Minutes

- [1.](#) Draft Council Minutes- Regular Meeting

Items from the Audience

Scheduled

Unscheduled (20 Minutes)

Audience members may address the Council on any issue other than those scheduled for a public hearing or those on which the public hearing has been closed. Prior to commenting please state your name, address, and topic. Please keep comments under 4 minutes.

Consent Agenda

- [2.](#) Approval of Payroll and Claims
- [3.](#) Interlocal Agreement - Sales Tax Rebate for Affordable Housing
- [4.](#) Ordinance No. 1598 - Fire Suppression Water Facilities and Service
- [5.](#) Set the Public Hearing – Comprehensive Plan Amendment 19-01 (Pepin Creek)
- [6.](#) Resolution No. 1014 - Request to Cancel Warrant #74183
- [7.](#) Set the Public Hearing – Pepin Creek Sub-Area Plan
- [8.](#) Ordinance No. 1597 - Site Specific Rezone 19-01 – Bouma Property

Public Hearing

- [9.](#) Final Public Hearing on the 2020 Budget
- [10.](#) Ordinance No. 1594 - Establishing an Impact Fee Deferral Program

Unfinished Business

- [11.](#) Ordinance No. 1596 – Adoption of the 2020 Budget

New Business

- [12.](#) Award Contract for Line Road Safety Improvements
- [13.](#) 3MG Reservoir Roof Coating Contract
- [14.](#) Interlocal Agreement – Implementation Guidelines for County Wayfinding Signs
- [15.](#) Development Agreement – Front Street Station Business Park
- [16.](#) PRD Amendment – RB Development for the Parkview Apts Project

Other Business

- [17.](#) Draft Park Committee Meeting Minutes- November 18, 2019
- [18.](#) Calendar

Executive Session

Adjournment

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	December 2, 2019	
Name of Agenda Item:	Draft Council Minutes- Regular Meeting	
Section of Agenda:	Approval of Minutes	
Department:		
Council Committee Review:	Legal Review:	
<input type="checkbox"/> Community Development <input type="checkbox"/> Public Safety <input type="checkbox"/> Finance <input type="checkbox"/> Public Works <input type="checkbox"/> Parks <input type="checkbox"/> Other: N/A	<input checked="" type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input type="checkbox"/> Review Not Required	
Attachments:	Draft Council Minutes- Regular Meeting	
Summary Statement:	Draft Council Minutes- Regular Meeting	
Recommended Action:	For Council review.	



November 18, 2019

1. CALL TO ORDER

Mayor Korthuis called to order the November 18, 2019 regular session of the Lynden City Council at 7:00 p.m. at the Lynden City Hall Annex.

ROLL CALL

Members present: Mayor Scott Korthuis and Councilors Gary Bode, Ron De Valois, Brent Lenssen, Nick Laninga, and Kyle Strengholt.

Members absent: Councilors Jerry Kuiken and Mark Wohlrab absent with notice.

Staff present: Finance Director Anthony Burrows, Fire Chief Billmire, Parks Director Vern Meenderinck, Planning Director Heidi Gudde, Public Works Director Steve Banham, City Clerk Pam Brown, City Administrator Mike Martin, and City Attorney Bob Carmichael.

OATH OF OFFICE - None

APPROVAL OF MINUTES

Councilor De Valois moved and Councilor Laninga seconded to approve the regular council minutes of November 4, 2019. Motion approved on a 5-0 vote.

ITEMS FROM THE AUDIENCE

Scheduled: None

Nonscheduled:

Mayor Korthuis thanked Nikki Turner, Darren Johnson, Jesse DeMooy, and Jen Marion for their participation in the election and their willingness to serve the Lynden community by running for council positions. He also congratulated Councilors Bode, De Valois, Kuiken and Lenssen for their successful outcomes in the election.

Mayor Korthuis also congratulated the Lynden Regional Park and Recreation District for the successful passage of Proposition 2019-4. He stated that the promotion committee did an excellent job.

Mayor Korthuis also offered his condolences to Chief Knapp's family and friends and reminded everyone that Chief Knapp's memorial service was scheduled for 1:00 p.m. on Wednesday, November 20th.

CITY OF LYNDEN



CITY COUNCIL MINUTES OF REGULAR MEETING

Cynthia Ripke-Kutsagoitz, 7062 Guider Meridian, #30, Lynden

Cynthia thanked the council members for their work and dedication to the community. She offered her condolences to council and city staff for the loss of Chief Knapp and said that she knew of someone that could conduct a grief workshop if anyone was interested. She gave the city clerk a couple of books related to grief, a sympathy card and two flowers.

2. CONSENT AGENDA

Approval of Payroll Disbursed – November 1-15, 2019

Paychex EFT.....	\$294,971.53
City of Lynden EFT.....	\$62,397.31
Warrant Liability.....	\$55,534.62
Subtotal	\$412,903.46
Paychex EFT Liability	\$6,170.05
Total EFT & Other Liabilities	\$419,073.51

Approval of Claims – November 20, 2019

Manual Warrants No.	<u>74101</u>	through	<u>74103</u>		\$7,855.99
EFT Payment Pre-Pays					\$817.39
				Sub Total Pre-Pays	\$8673.38
Voucher Warrants No.	<u>74104</u>	through	<u>74240</u>		\$802,884.47
EFT Payments					\$36,110.49
				Sub Total	\$838,994.96
				Total Accts. Payable	\$847,668.34

Set the Public Hearing – Ordinance No. 1594- Impact Fee Deferral Program

In 2015 the State Legislature authorized changes to RCW 82.02 related to the collection of impact fees for single family home development. This was intended to assist in the economic recovery of the building industry.

As a result, the City is required to create a program by which home builders may defer the payment of impact fees.

The amended code language will propose that impact fees may be delayed until final occupancy but not longer than 18 months. The number of fee deferral requests may not exceed more than 20 units per year per applicant and will be administered at a fee equivalent to 10% of the value of the fees for which deferment is requested.

Staff is also using the opportunity to amend Title 3 by formally recognizing the option to have fee credits (construction in lieu of impact fees) and to clean-up other language such as outdated capital

CITY OF LYNDEN



CITY COUNCIL MINUTES OF REGULAR MEETING

improvement references to "Table 8" and indicating park and fire fees by reference instead of within the code.

Draft language is currently going through legal review and will be brought forward with the December 2 City Council agenda.

Resolution No. 1010-Net Increase in the Revolving Cash Fund for Municipal Court

Currently the Lynden Municipal Court (LMC) has a cash fund for the purpose of making change for citizen transactions. The LMC has two cash drawers, each is assigned to an individual with the understanding that they are responsible for the funds as stated in the Resolution. Due to an increase in operational transactions the LMC needs to increase its cash limit in each drawer. Resolution No. 1010 would increase the cash limit of each cash drawer from \$150 to \$300.

Resolution No. 1010 would increase the total of the City's revolving cash fund from \$2,000 to \$2,300. The Finance Committee approved the recommended increase in their November 18, 2019 meeting and has forwarded the Resolution to the full Council.

Resolution No. 1012-Request to Cancel Warrant No. 73716

RCW 39.56.040 states that any registered or interest bearing warrants of any municipal corporation not presented within one year of the date of their call, or other warrants not presented within one year of their issue, shall be canceled by passage of a resolution of the governing body of the municipal corporation, and upon notice of the passage of such resolution the auditor of the municipal corporation and the treasurer of the municipal corporation shall transfer all records of such warrants so as to leave the funds as is such warrants had never been issued; and Warrant No. 73716 has not and will not be presented for payment and should be canceled.

Set Date for the Final Public Hearing on the 2020 Preliminary Budget

As published, 7:00PM on December 2, 2019 is the time and date set for the Final Public Hearing on the 2020 Preliminary Budget as presented to the City Council by Mayor Korthuis at the October 21st City Council meeting.

Councilor Bode moved and Councilor De Valois seconded to approve the Consent Agenda. Motion approved on a 5-0 vote.

3. PUBLIC HEARING

Development Standards Variance #19-03- Front Street Station Business Park

A Development Standards Variance application has been brought forward by Don and Sally Korthuis for a variance to the required right-of-way (ROW) dedication and resulting street section for West Front Street. The Variance would facilitate the development of a business park development called



Front Street Station. The proposed project is located on approximately 7 acres of vacant property and would affect approximately 475 feet of frontage along West Front Street.

The application requests the dedication of 10 feet rather than 20 feet of additional ROW, which would be required for the full 80' ROW identified in the Development Standards. The 30-foot ROW abutting Front Street Station allows construction of a 44' wide paved street cross-section matching the improved street to the east but reduces sidewalk width from 8 feet to 5 feet, with a small 3' planter strip between, and street trees shifted into parking islands on the property.

West Front Street is considered an impact fee (arterial) street which means that the City assumes responsibility for its improvement using developer impact fees. Currently the City has a pending EDI application for County grant and loan funds to assist in the improvement of this section of roadway.

The alternate standard is based on sound engineering and has support from Public Works and Planning staff. The variance also recognizes the burden of pioneering development on a previously unimproved portion of West Front Street. This variance is specific to the frontage of the West Front Street Station.

Mayor Korthuis opened the Public Hearing at 7:10 p.m.
Don Korthuis, 2151 Stickney Island Road, Everson spoke in support of the item.
Mayor Korthuis closed the Public Hearing at 7:12 p.m.

Councilor Lenssen moved and Councilor Bode seconded to approve the Development Standards Variance allowing for a 10" right-of-way dedication and alternate street standard along the Front Street Station frontage and to authorize the Mayor's signature on the document. Motion approved on a 4-0 vote with Councilor Strengholt abstaining.

Development Standards Variance #19-02 – 1583 East Badger Road-
[This item did not appear on the agenda](#)

A Development Standards Variance application has been brought forward by Robert Langei for a variance to the required right-of-way (ROW) dedication and resulting street section which would be used to access the multi-family portion of the property located at 1583 Badger Road.

The application request and staff report will be detailed in the package moving forward for the December 16 council meeting. However, due to a miscommunication within the Planning Department the Public Hearing for this application was noticed and advertised per code, to occur at the November 18th council meeting without being placed on the published agenda or information provided to council members.

Staff requests that council initiate the public hearing at the November 18 meeting and take public comment from those who may wish to speak. Staff also requests that the Public Hearing remain open and the item tabled until the December 16th council meeting so that interested parties can attend and speak at the December 16th meeting. Any comments made at the November 18th meeting will already be part of the official record.



Mayor Korthuis opened the Public Hearing at 7:14 p.m.
There were no comments.
Mayor Korthuis closed the Public Hearing at 7:14 p.m.

Councilor Lenssen moved and Councilor Strengholt seconded to extend the public hearing and table Development Standards Variance #19-02 until the December 16, 2019 council meeting. Motion approved on a 5-0 vote.

Ordinance No. 1595 – Real Estate Property Tax 2020

[This item appeared under New Business on the agenda instead of the Public Hearing section.](#)

The City of Lynden is required by State regulations to adopt the proposed 2020 property tax levy. The mil rate has been calculated on preliminary information received to date from the Whatcom County Assessor's Office. When comparing preliminary 2018 levy rates to 2019 levy rates, the decrease is estimated at 0.120 cents per mil to a mil rate of 1.67781

The final figures for the assessed valuation of the city's tax base are not yet available. Once those are provided by the County Assessor, an ordinance setting the final, exact levy will be provided in January 2020 for consideration.

On November 18, 2019 the Finance Committee discussed the draft ordinance and recommended that Ordinance No. 1595 be reviewed by the full Council.

Mayor Korthuis opened the Public Hearing at 7:25 p.m.
There were no comments.
Mayor Korthuis closed the Public Hearing at 7:25 p.m.

Councilor Strengholt moved and Councilor De Valois seconded to approve Ordinance No. 1595 and authorize the Mayor's signature. Motion approved on a 5-0 vote.

4. UNFINISHED BUSINESS- None

5. NEW BUSINESS

Conditional Use Permit #19-01 – Front Street Station Business Park

The Conditional Use Permit application is brought forward by Don and Sally Korthuis for a business park development called Front Street Station. The proposed project is located on approximately 7 acres of vacant property on the south side of West Front Street. The application requests the addition of wholesaling and warehousing as permitted uses within the proposed business park. The business park is not intended to be exclusively wholesaling and warehousing but a wide variety of uses including retail, showroom, office, and light manufacturing as permitted by code.



CITY COUNCIL MINUTES OF REGULAR MEETING

At a public hearing on October 24, 2019 the Planning Commission recommended approval of the proposed conditional uses.

Councilor Lenssen moved and Councilor De Valois seconded to approve the Conditional Use Permit allowing wholesale and warehouse uses at the Front Street Station Business Park and to authorize the Mayor's signature on the Findings of Fact. Motion approved on a 4-0 vote with Councilor Strengholt abstaining.

Site Specific Rezone #19-01 – Bouma Property

Rezone application 19-01 has been brought forward by property owner Gene Bouma. Mr. Bouma is proposing to shift the property from the single-family zoning category of RS-100 to a

multi-family zoning category of RM-2. The 30,000 square foot property is located at the northwest corner of Main St. and 19th St.

The application went to a public hearing before the Planning Commission on July 11th. Although public comment included support for nearby multi-family developments such as Woodcreek and Oakwood Apartments, many neighboring property owners spoke against the proposal with concerns related to the proposed housing type and its associated impacts. A recording of the meeting is available on the City's website: <https://www.lyndenwa.org/recorded-meetings/>

While the Planning Commission agreed that the rezone to RM-2 would be consistent with the City's Comprehensive Plan they ultimately recommended denial of the rezone stating that this area of the City should be reviewed as a whole rather than specific consideration given to this corner. They concluded that the application did not meet the criteria of "promoting the health, safety and general welfare of the community".

It's clear that nearby residents have strong feelings about a revision to the zone however the proximity of this site to other multi-family zones and its location along the busy corridor of Main Street presents a good opportunity for transitional zoning. Staff believes that concerns related to a decrease in property values, dangerous traffic conditions, and the harsh characterization of renters are unfounded. In this case, staff recommends the City Council review the record and consider approval of the rezone of the Bouma property as presented in Rezone Application 19-01. Findings of Fact which correspond with the Council's final decision will be brought forward at the December 2 meeting.

Councilor Lenssen moved and Councilor Bode seconded to approve Site Specific Rezone application #19-01 of the Bouma property. Motion approved on a 4-1 with Councilor Lenssen opposed.

Easement Agreement Form for Fence or Vegetation in City Property Located in Pepin Creek Corridor
Certain properties in the Bogaard plat would like to place fencing, or vegetation in the Pepin Creek corridor that abuts their properties. The agreement prepared by the City Attorney will grant them the right to use the portion of land owned by the City for certain permitted uses, namely installation of a

CITY OF LYNDEN



CITY COUNCIL MINUTES OF REGULAR MEETING

fence or landscaping. This would be until the City, at its sole discretion, needs the area vacated. The property owners would be given 30 days prior written notice of the requirement to vacate.

If this agreement form is approved by City Council, the City will enter into separate agreements with each property owner desiring to use the aforementioned City property. Legal descriptions will be incorporated in the final, individual agreements.

The Public Works Committee reviewed this at their November 14th meeting and concurred to recommend approval to the full City Council.

Councilor Bode moved and Councilor De Valois seconded to approve the Easement Agreement Form for fence or vegetation in City property located in Pepin Creek Corridor and authorize the Mayor to sign each Agreement with individual property owners. Motion approved on a 5-0 vote.

Interlocal Agreement with Whatcom County to Establish Cost Sharing Partnership for Licensed Pictometry Imagery and Software

Council is asked to review the Interlocal Cooperative Agreement (Amendment) with Whatcom County to cost share 2019 Pictometry aerial images. These updated images are obtained under a Whatcom County Contract with Pictometry International Corporation; and are supplied to other local jurisdictions at a discount through this Interlocal Agreement. Pictometry imagery and software is a patented digital aerial image capture system used by staff for projects and land use planning.

The City has used this service for several years and money has been reserved in the 2020 budget. The first payment of \$4,733.94 is due the month after the City receives the Pictometry imagery, and the second payment of \$4,160 is due no later than one year after the first payment is due. The Public Works Committee concurred to recommend approval to City Council at their November 13th meeting.

Councilor Bode moved and Councilor De Valois seconded to approve the Interlocal Agreement with Whatcom County for shared costs of Pictometry Software and Image Capturing Services and authorize the Mayor to sign the Agreement. Motion approved on a 5-0 vote.

6. OTHER BUSINESS

Council Committee Updates

Councilor Bode reporting for the Public Works Committee, involving the discussion of:

- Transportation Impact Fee revisions
- Easement Agreement approved at this meeting
- WTP demolition complete
- Outfall project is operational
- Line Road sidewalk
- 7th Street revitalization
- 17th Street design
- Berthusen restrooms

CITY OF LYNDEN

CITY COUNCIL MINUTES OF REGULAR MEETING



Councilor Strengholt reporting for the Finance Committee, involving the discussion of:

- Review of payroll, overtime and sales tax
- Overtime for Police and Fire Departments
- Finance items discussed at tonight's meeting
- Public Hearing dates for 2020 Budget
- Property tax ordinance
- General reserves are strong
- Passage of Parks Bond

Councilor De Valois reporting for the Parks Committee, involving the discussion of:

- Benson Property
- Bond projects
- Barn renovations, kitchen and restrooms
- Pump Track
- Solar-powered cameras installed in Parks
- Rotary Rock Project progress
- Park impact fee review
- Restrooms for Berthusen Park

7. EXECUTIVE SESSION

Council recessed into executive session at 7:45 p.m. to discuss a potential acquisition of real estate. It was anticipated that the executive session would last approximately 15 minutes total and that a decision would not be made.

8. ADJOURNMENT

The November 18, 2019 regular session of the Lynden City Council adjourned at 8:00 p.m.

Pamela D. Brown, MMC
City Clerk

Scott Korthuis
Mayor

CITY OF LYNDEN



EXECUTIVE SUMMARY

Meeting Date:	December 2, 2019	
Name of Agenda Item:	Approval of Payroll and Claims	
Section of Agenda:	Consent	
Department:	Finance	
Council Committee Review:	<input type="checkbox"/> Community Development <input checked="" type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
	Legal Review: <input type="checkbox"/> Yes - Reviewed <input checked="" type="checkbox"/> No - Not Reviewed <input type="checkbox"/> Review Not Required	
Attachments:		
None		
Summary Statement:		
<p>RCW 42.24.180 sets forth the conditions for issuance of warrants or checks before Council approval. The auditing officer and the City officers designated to sign the warrants shall have an official duty for the faithful discharge of his or her duties.</p> <p>The City Council has adopted contracting, hiring, purchasing, and disbursing policies that implement effective internal controls; and shall provide for its review of the documentation supporting claims paid for its approval of all warrants issued in payment of claims and/or payroll at regularly scheduled public meetings within one month of issuance.</p> <p>The City Council shall require that if, upon review, it disapproves some claims and/or payroll, the auditing officer and the officer designated to sign the warrants or checks shall jointly cause the disapproved claims to be recognized as receivables and to pursue collection diligently until the amounts disapproved are collected or until the City Council is satisfied and approves the claims and/or payroll.</p> <p>The Finance Committee and/or full City Council may stipulate that certain kinds or amounts of claims and/or payroll should not be paid before the City Council has reviewed the supporting documents.</p>		
Recommended Action:		
Approve the payment of City Payroll and Claims.		

CITY OF LYNDEN



EXECUTIVE SUMMARY

Meeting Date:	December 2, 2019	
Name of Agenda Item:	Interlocal Agreement - Sales Tax Rebate for Affordable Housing	
Section of Agenda:	Consent	
Department:	Planning	
Council Committee Review:	<input checked="" type="checkbox"/> Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
	Legal Review: <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required	
Attachments:		
Interlocal Cooperation Agreement Amendment Between Whatcom County and the Cities of Whatcom County for the Purpose of Administering Funds Generated as a Result of RCW 36.22.178 and RCW 82.14.540		
Summary Statement:		
<p>On October 7, 2019 the Lynden City Council passed Resolution 1008 pursuant to Substitute House Bill 1406 authorizing Whatcom County to collect the City of Lynden’s portion of sales tax rebate intended for affordable housing programs.</p> <p>Recall that House Bill 1406 gives Lynden the opportunity to claim a certain percentage of the city’s gross sales tax to be applied toward affordable housing programs. This total is estimated to be \$23,000 annually if the City collected on its own. However, the Bill allows for twice that amount (\$46,000) to be refunded if the City signed its rebate over to Whatcom County. Having the County collect on the City’s behalf increases the funding but also cuts down on administrative costs associated with establishing a City-sponsored affordable housing program.</p> <p>The subsequent step is the execution of the attached interlocal agreement which addresses the use of funds. It amends and supersedes the original Interlocal Agreement dated January 5, 2004.</p>		
Recommended Action:		
Motion to authorize the Mayor’s signature on the Interlocal Cooperation Agreement Amendment Between Whatcom County and the Cities of Whatcom County for the Purpose of Administering Funds Generated as a Result of RCW 36.22.178 and RCW 82.14.540 consistent with City of Lynden Resolution 1008.		

**Interlocal Cooperation Agreement Amendment
Between Whatcom County and the Cities of Whatcom County
For The Purpose Of Administering Funds Generated As A Result Of
RCW 36.22.178 and RCW 82.14.540**

This agreement is entered into between Whatcom County and the Cities of Bellingham, Blaine, Ferndale, Lynden, Everson, Nooksack, and Sumas for the purpose of creating an Interlocal Cooperation Agreement. This Agreement addresses the use of funds created from the surcharge for each document recorded in the County Auditor’s office to fund housing programs, pursuant to RCW 36.22.178, and through a tax credit against a portion of the state’s share of local sales and use tax pursuant to RCW 82.14.540. This agreement amends and supersedes the original Interlocal Agreement dated January 5, 2004 and designated as Whatcom County contract number 200402021, and the Interlocal Agreement Amendment dated June 21, 2010 and designated as Whatcom County contract number 200402021-1.

WHEREAS, the Washington State Legislature passed Substitute House Bill 2060 during the 57th Legislative Session and Governor Locke signed the bill on April 2, 2002, and said statute has been amended multiple times by state legislature since then; and

WHEREAS, this bill authorizes a surcharge on documents recorded through the County Auditor’s office for the purpose of providing funds for housing programs for income eligible persons defined in RCW 36.22.178; and

WHEREAS, the Washington State Legislature passed Substitute House Bill 1406 during the 2019 Regular Session, and the Governor signed into law; and

WHEREAS, this bill authorizes the governing body of a county to impose a local sales and use tax for affordable and for supportive housing to income eligible persons defined in RCW 82.14.540; and

WHEREAS, housing affordability has become a significant problem for a large portion of the population in Whatcom County; and

WHEREAS, funding to support the operation of shelters serving the homeless, building operations, maintenance, and rehabilitation of housing facilities/programs, construction or acquisition of affordable housing and rental assistance is critical to providing an array of housing opportunities for residents,

NOW THEREFORE, in consideration of the mutual housing benefits for income eligible persons and those experiencing homelessness throughout Whatcom County, the above partners agree as follows:

- A. The purpose of this Agreement shall be to provide for the administration and expenditure of revenue generated from the recording surcharge authorized under the provisions of RCW 36.22.178 and the tax credit under the provisions of RCW 82.14.540.
- B. That portion of the revenue generated from the surcharge and tax credit that is to be retained by Whatcom County and used for local income eligible housing and emergency shelter needs within Whatcom County shall be collected by Whatcom County. Those funds will be held in designated funds by the Whatcom County Treasurer, to be drawn upon as provided in County policy, for the purposes specified in this agreement.

- C. Permissible uses of these particular funds are defined in RCW 36.22.178 and RCW 82.14.540.
- D. The Whatcom County Housing Advisory Committee (WCHAC), previously established with this original agreement and staffed by the Whatcom County Health Department, will advise the county on the strategic priorities for use of funds generated by above noted RCWs. Additionally WCHAC will provide guidance for reasonable equitable distribution of funds throughout all cities and the county that reflects consideration of other fund sources that support affordable and supportive housing, where the revenue is generated, and the broader continuum of housing needs for the entire county.
- E. Membership of the WCHAC will be established in committee by-laws and include, but is not limited to no less than two representatives of the city of Bellingham, no less than two positions representing the small cities, two positions representing the county, and other representatives of housing and related services. Membership shall constitute no less than nine members and no more than 15 members.
- F. Whatcom County will facilitate a county-wide housing plan by collating the various cities' and county housing plans and then identifying common goals.
- G. The WCHAC will approve and submit an annual report of activities generated by the housing plan that will include housing priorities, strategies, funding sources and accomplishments of the entire county.
- H. The expenditure of all funds will be subject to audit by the State Auditor or other authorized entity. Whatcom County reserves the right to review, monitor, or audit the use of these funds as deemed necessary, as required by county policies. Such activities may occur with or without notice. The County reserves the right to recover any ineligible costs identified. All recipients of funding under this agreement shall remain accountable for all funds. Funds will be disbursed in a manner that is consistent with County practices.
- I. For the purposes of RCW.39.34.030 (4)(a), the Whatcom County Executive is designated as the administrator responsible for overseeing and administering the joint or cooperative undertaking contemplated by this agreement. No property shall be acquired by the parties to this agreement by reason of this joint or cooperative undertaking.
- J. This agreement shall commence on the date of the last party affixing its signature hereto and shall run indefinitely unless the parties agree in writing to terminate the agreement. In the event of termination, not less than ninety (90) days written notice will be provided to the parties to this agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement this ____ day of _____, 2019.

Accepted for City of Bellingham

Attested by:

Mayor Kelli Linville

STATE OF WASHINGTON)
) ss
COUNTY OF WHATCOM)

On this ___ day of _____, 2019 before me personally appeared Kelli Linville, to me known to be the Mayor of Bellingham and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

NOTARY
PUBLIC in and for the State of Washington, residing at
_____. My commission expires
_____.

Accepted for City of Blaine

Attested by:

Mayor Bonnie Onyon

STATE OF WASHINGTON)
) ss
COUNTY OF WHATCOM)

On this ___ day of _____, 2019, before me personally appeared Bonnie Onyon, to me known to be the Mayor of Blaine and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

NOTARY
PUBLIC in and for the State of Washington, residing at
_____. My commission expires
_____.

Accepted for City of Ferndale

Attested by:

Mayor Jon Mutchler

STATE OF WASHINGTON)
) ss
COUNTY OF WHATCOM)

On this ___ day of _____, 2019, before me personally appeared Jon Mutchler, to me known to be the Mayor of Ferndale and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

NOTARY
PUBLIC in and for the State of Washington, residing at
_____. My commission expires
_____.

Accepted for City of Lynden

Attested by:

Mayor Scott Korthuis

STATE OF WASHINGTON)
) ss
COUNTY OF WHATCOM)

On this ___ day of _____, 2019, before me personally appeared Scott Korthuis, to me known to be the Mayor of Lynden and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

NOTARY
PUBLIC in and for the State of Washington, residing at
_____. My commission expires
_____.

Accepted for City of Everson

Attested by:

Mayor John Perry

STATE OF WASHINGTON)
) ss
COUNTY OF WHATCOM)

On this ___ day of _____, 2019, before me personally appeared John Perry, to me known to be the Mayor of Everson and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

NOTARY
PUBLIC in and for the State of Washington, residing at
_____. My commission expires
_____.

Accepted for City of Nooksack

Attested by:

Mayor James S. Ackerman

STATE OF WASHINGTON)
) ss
COUNTY OF WHATCOM)

On this ___ day of _____, 2019, before me personally appeared James S. Ackerman, to me known to be the Mayor of Nooksack and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

NOTARY
PUBLIC in and for the State of Washington, residing at
_____. My commission expires
_____.

Accepted for City of Sumas

Attested by:

Mayor Kyle Christensen

STATE OF WASHINGTON)
) ss
COUNTY OF WHATCOM)

On this ___ day of _____, 2019, before me personally appeared Kyle Christensen, to me known to be the Mayor of Sumas and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

NOTARY
PUBLIC in and for the State of Washington, residing at
_____. My commission expires
_____.

CITY OF LYNDEN



EXECUTIVE SUMMARY

Meeting Date:	December 2, 2019	
Name of Agenda Item:	Ordinance No. 1598 - Fire Suppression Water Facilities and Service	
Section of Agenda:	Consent	
Department:	Finance	
Council Committee Review:	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Parks	<input checked="" type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
	Legal Review: <input checked="" type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input type="checkbox"/> Review Not Required	
Attachments:		
Ordinance No. 1598 – Fire Suppression Water Facilities and Service		
Summary Statement:		
<p>RCW 70.315.030 expressly authorizes local governments to allocate and recover the costs of fire suppression water facilities and service from all customers as costs of complying with state laws and regulations, or from customers based on service to, benefits conferred upon, and burdens and impacts caused by various classes of customers, or both. The City, pursuant to Resolution No. 833, currently levies a two percent Fire Hydrant Maintenance Tax, assessed for the operation and maintenance of fire lines, fire hydrants and appurtenant facilities.</p> <p>The City of Lynden desires to rescind the aforementioned Fire Hydrant Maintenance Tax levied by Resolution No. 833 and <i>adopt by ordinance a broader fire suppression water facilities and service levy</i> pursuant to RCW 70.315.030.</p> <p>Lynden Municipal Code Chapter 3.30 and Section 3.30.010 are hereby added to the Lynden Municipal Code as follows:</p> <p>Chapter 3.30 – Fire Suppression Water Facilities and Service Tax 3.30.010 – Imposition of Fire Suppression Water Facilities and Service Tax.</p> <p>There is hereby levied an additional two percent (2%) fire suppression water facilities and service tax on the base and volumetric water meter charges established by City resolution pursuant to LMC 13.04, for the operation, maintenance, restoration, and improvement of fire suppression facilities and services.</p> <p>The Public Safety Committee reviewed the proposed Ordinance at their December 2nd meeting and gave approval for review and consideration by the full Council.</p>		
Recommended Action:		
For the City Council to approve Ordinance No. 1598 and authorize the Mayor’s signature.		

ORDINANCE NO. 1598

AN ORDINANCE OF THE CITY OF LYNDEN, COUNTY OF WHATCOM, CREATING CHAPTER 3.30 OF THE LYNDEN MUNICIPAL CODE AUTHORIZING TAX LEVY FOR PURPOSES OF FUNDING FIRE SUPPRESSION WATER FACILITIES AND SERVICE

WHEREAS, RCW 70.315.030 expressly authorizes local governments to allocate and recover the costs of fire suppression water facilities and service from all customers as costs of complying with state laws and regulations, or from customers based on service to, benefits conferred upon, and burdens and impacts caused by various classes of customers, or both; and

WHEREAS, the City, pursuant to Resolution No. 833, currently levies a two percent Fire Hydrant Maintenance Tax, assessed for the operation and maintenance of fire lines, fire hydrants and appurtenant facilities; and

WHEREAS, the City desires to rescind the aforementioned Fire Hydrant Maintenance Tax levied by Resolution No. 833 and adopt by ordinance a broader fire suppression water facilities and service levy pursuant to RCW 70.315.030; and

WHEREAS, the foregoing recitals are material findings and declarations of the Lynden City Council;

NOW THEREFORE, BE IT ORDAINED as follows:

Section 1: That portion of Resolution No. 833 levying a two percent Fire Hydrant Maintenance Tax is hereby rescinded.

Section 2: Lynden Municipal Code Chapter 3.30 and Section 3.30.010 are hereby added to the Lynden Municipal Code as follows:

Chapter 3.30 – Fire Suppression Water Facilities and Service Tax

3.30.010 – Imposition of Fire Suppression Water Facilities and Service Tax.

There is hereby levied an additional two percent (2%) fire suppression water facilities and service tax on the base and volumetric water meter charges established by City resolution pursuant to LMC 13.04, for the operation, maintenance, restoration, and improvement of fire suppression facilities and services.

Section 3. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases has been declared invalid or unconstitutional, and if, for any reason, this ordinance should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

Section 4. Any ordinance or parts of ordinances in conflict herewith are hereby repealed.

Section 5. This ordinance shall be in full force and effect five (5) days after its passage, approval and publication as provided by law.

PASSED by the City Council this _____ day of December, 2019, and signed by the Mayor on the _____ day of December, 2019.

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

CITY OF LYNDEN



EXECUTIVE SUMMARY

Meeting Date:	December 2, 2019	
Name of Agenda Item:	Set the Public Hearing – Comprehensive Plan Amendment 19-01 (Pepin Creek)	
Section of Agenda:	Consent	
Department:	Planning Department	
Council Committee Review:	<input checked="" type="checkbox"/> Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
	Legal Review: <input checked="" type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input type="checkbox"/> Review Not Required	
Attachments:		
Planning Commission Package for Comprehensive Plan Amendment 19-01		
Summary Statement:		
<p>The City of Lynden amended the Comprehensive Plan in December of 2018 to reflect the creation of the Pepin Creek Sub-Area.</p> <p>At that time the Future Land Use Map was also amended to reflect the arrangement of low and medium residential development proposed within the Sub-Area Plan draft.</p> <p>Since that time the zoning layout of the Pin Creek Sub-Area has been altered as reflected in the revised plan. The proposed amendment to the Comprehensive Plan is meant to correspond with these revisions.</p>		
Recommended Action:		
Motion to set a public hearing date of December 16, 2019 to consider Comprehensive Plan Amendment 19-01.		



Planning Department Memorandum

To: Planning Commission

From: Dave Timmer

Meeting Date: November 21, 2019

Re: Comprehensive Plan Amendment – Future Land Use Map

The City of Lynden amended the Comprehensive Plan in December of 2018 to reflect the creation of the Pepin Creek Sub-Area.

At that time the Future Land Use Map was also amended to reflect the arrangement of low and medium residential development proposed within the Sub-Area Plan Draft.

Since that time the zoning layout of the Pepin Creek Sub-Area has been altered as reflected in the revised plan. The proposed amendment to the Comprehensive Plan is meant to correspond with these revisions.



City of Lynden

Comprehensive Plan Amendment Approval Process

- Pre-application Meeting (MANDATORY)**
Applicant or agent meets with the Technical Review Committee for a “feasibility review” and to discuss fees, time frames for the request, and early issues with the project.
- Application Review and Determination of Completeness**
City staff reviews all application materials, makes a determination of completeness, and notifies the applicant within 14 days.
- Publication of Legal Notice of Application and Proposed Request**
City staff is responsible for publishing a legal notice of application and public hearing on the proposed request. Legal notices of application must be published at least 14 days prior to the public hearing.
- Certified Mailing to Surrounding Property Owners for all map amendments**
The proponent or applicant is responsible for notifying surrounding property owners within 300 feet of the project proposal. Property owners must be given at least 14 days written notice by certified or registered mail. In addition to the mailing, three copies of the legal notice must be posted within 300 feet of the project. A notarized affidavit of the postings and receipts for the certified mailings must be turned over to the Planning Department at least 10 days prior to the hearing date.
- Technical Review Committee (TRC) Report and Recommendations**
The TRC is notified of the application and reviews it for compliance with City plans and regulations, coordinates necessary permit reviews and identifies the development’s environmental impacts. The TRC consists of representatives from Fire, Parks, Public Works, Planning, and the Administration Department. The applicant is mailed a copy of the report, and it is also forwarded to the Planning Commission as part of the record for the hearing.
- SEPA Determination and Publication of Legal Notice**
All development permits require a SEPA checklist, except short plats and other projects exempted by WAC 197-11 and LMC 16.05.070. City staff will be able to advise whether or not this is required for your project.
- Public Hearing at Planning Commission (Typically scheduled in September - October)**
The Planning Commission makes its recommendation for approval or denial after reviewing and considering the amendment materials, the TRC report, and any written or oral testimony in reference to the request. The Commission then forwards its resolution outlining the decision, its findings, conclusions and recommendations to the City Council for consideration.
- Public Hearing at City Council (Typically scheduled in November – December)**
The City Council makes a final decision on the proposed amendment to the Comprehensive Plan. Their decision is made by ordinance and signed by the Mayor. Their decision can be made by motion, resolution or ordinance as appropriate. The Council may also issue Findings of Facts and Conclusions of Law, outlining their decision.
- Publication of Legal Notice of Decision**
City staff is responsible for publishing a legal notice of final decision on the amendment. This legal notice, along with a copy of the Planning Commission resolution is mailed to the applicant, specifying any conditions of the decision.



City of Lynden

Comprehensive Plan Amendment Application Requirements

1. *Completed application form for the comprehensive plan amendment request.*
2. *All applicable fees.*
3. *Section of Comprehensive Plan to be amended.*
4. *SEPA Checklist*

For all map amendments please include the following additional information:

5. *Property site map showing the following (for map amendments only):*
 - a. *property dimensions and size*
 - b. *street and alley dimensions*
 - c. *other existing physical features*
 - d. *north point and scale*
 - e. *size and location of all utilities*
6. *Area map showing the following*
 - a. *adjacent properties*
 - b. *zoning of adjacent properties if different than site zoning*
 - c. *nearby structures and buildings*
 - d. *streets/highways*
 - e. *watercourses and critical areas*
 - f. *easements*
7. *Legal description of the property.*
8. *Names and addresses of all persons, firms and corporations holding interest in the property.*
9. *Critical Areas Ordinance Checklist.*



City of Lynden

Comprehensive Plan Amendment Application

I. APPLICANT INFORMATION

Name: Dave Timmer, City Planner, COL Planning Dept

Address: 300 4th St, Lynden WA

Telephone Number: 360-354-5532 Fax Number: _____

E-mail Address: timmerd@lyndenwa.org

II. CHECK THE APPROPRIATE BOXES

Comprehensive Plan Map Amendment

Comprehensive Text Amendment

III. SUMMARIZE THE CHANGES YOU ARE PROPOSING:

The City of Lynden is proposing revisions to its Future Land Use Map, specifically in regard to the Pepin Creek Subarea, thereby amending its Comprehensive Plan. The revisions adjust the locations of Medium Density Residential and Low Density Residential that were established in the 2018 CPA to reflect proposed changes to the Pepin Creek Subarea that have occurred as the Pepin Creek Subarea planning efforts have moved forward.

Additionally, the city is proposing a change to Table 2.3 Future Land Use and Zoning Designations in the Land Use Element chapter of the Comprehensive Plan. This change would add the RM-PC zoning designation and description to the RM (Medium Density Residential) category of that table.

IV. FOR MAP AMENDMENTS:

A. Tax Parcel Number(s): NA

Site Address: _____

Total Acreage: _____

Property Owner(s): _____

Mailing Address: _____

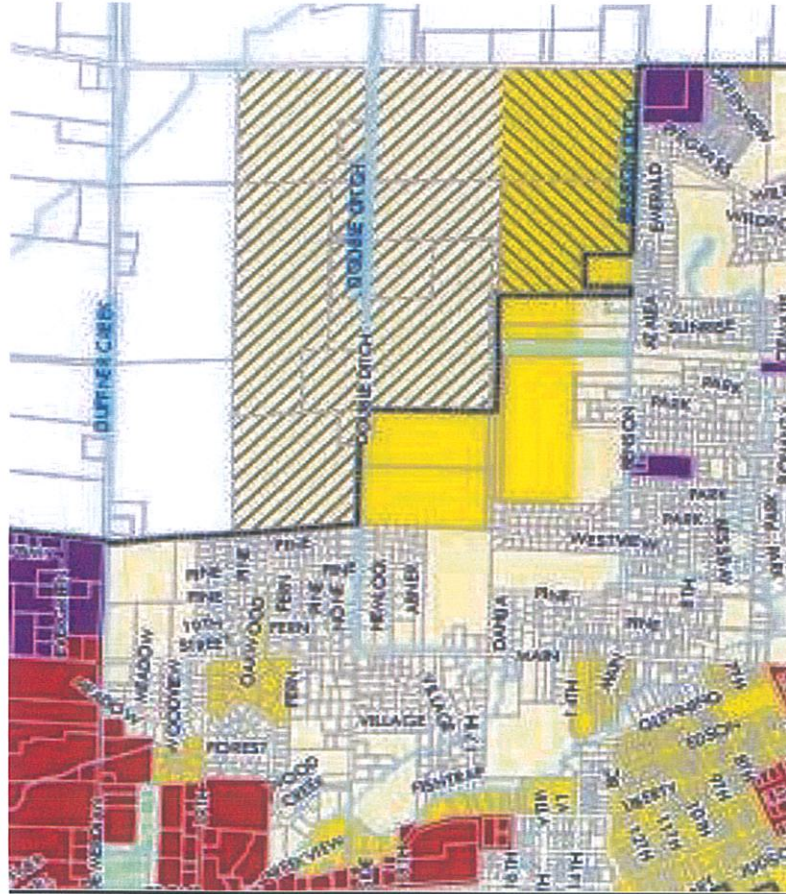
City, State & Zip Code: _____

Phone Number: () _____

Please attach additional sheets if more than one parcel is involved

Existing Comprehensive Plan Designation:

For Pepin Creek Subarea: The adopted 2018 CPA changed the Future Land Use map for the Pepin Creek Subarea to look like this:



B. *Existing Zoning Designation:*

Pepin Creek Subarea:

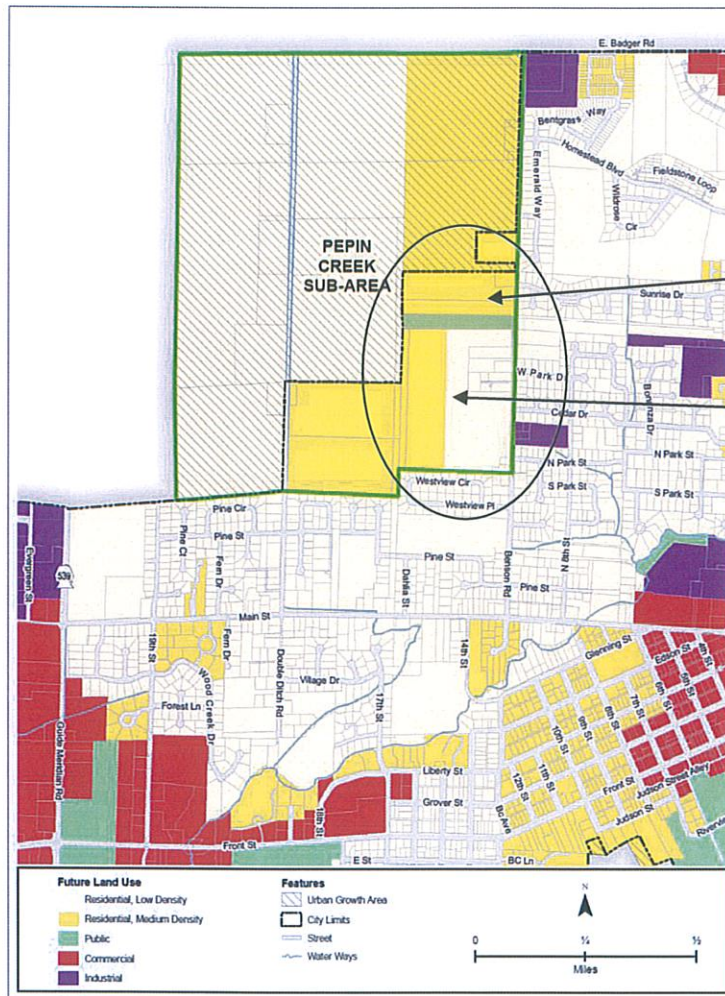
County jurisdiction (in Lynden UGA but not city limits): zone AG
The portion in the City Limits is zoned: Residential Mixed Density and some RS-100. The forthcoming Subarea plan is proposing adjusting this zoning.

C. *Proposed Comprehensive Plan Designation:*

Pepin Creek Subarea:

This proposal simply rearranges the Low Density Residential and Medium Density Residential locations within the Pepin Creek Subarea

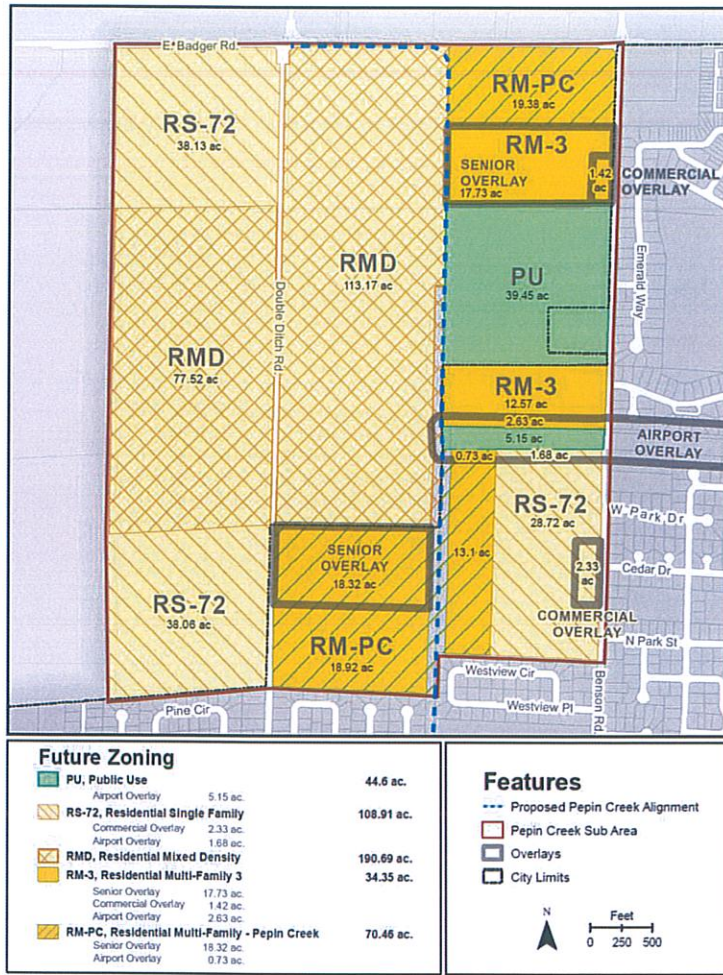
in two locations. These changes are a result of City Council review of the Pepin Creek Subarea over the past year as further information regarding the cost of development and growth planning have occurred. The proposed arrangement is:



The above arrow/circle indicates the location of the proposed change. It creates a larger buffer of Low Density Residential around the existing large single family lots off Benson Rd and increases the Medium Density Residential on the 2 parcels north of the Airport buffer.

D. *Proposed Zoning Designation:*

Pepin Creek Subarea:



E. *The present use of the property is:*

Pepin Creek Subarea:

Primarily agricultural use (dairy, pasture, field crops, blueberries).
Some farmhouse structures throughout and single family residential along Benson.

F. *The intended future use of the property is:*

Pepin Creek Subarea:

Residential neighborhoods, park and multimodal trail, potential small-scale commercial.

G. *Surrounding land uses are:*

Pepin Creek Subarea

Existing residential neighborhoods to the east and south. County agriculture to the west and north.

V. *For Text Amendments*

Identify the section(s) of the Comprehensive Plan that you are proposing to amend, and provide the proposed wording (attach additional sheets as needed):

Lynden Comprehensive Plan Table 2.3 Future Land Use and Zoning Designations (proposed changes redlined and highlighted)

Future Land Use (FLU)	Description	Zoning	Description	Existing Acreage in City Limits
AG (Agriculture)	Reserved for agricultural land uses within the City and Urban Growth Area until other land uses are planned with the necessary extension of streets and public utilities.	A-1	Zoned for agricultural land uses within the City and Urban Growth Area until other land uses are planned with the necessary extension of streets and public utilities.	-
RL (Low Density Residential)	Maintains stable, low-density, largely single-family neighborhoods, while providing a range of housing types and prices.	RS-100	Requires a minimum lot area of 10,000 sq. ft. and allows for 4 D.U./acre.	1,935.0
		RS-84	Requires a minimum lot area of 8,400 sq. ft. and allows for 4.5 D.U./acre.	
		RS-72	Requires a minimum lot size of 7,200 sq. ft. and allows for 5 D.U./acre.	

Future Land Use (FLU)	Description	Zoning	Description	Existing Acreage in City Limits
		RMD	A zoning designation that allows up to a maximum of 8 units/acre and encourages the integration of single family and duplex multi-family homes within neighborhoods.	
RM (Medium Density Residential)	Provides higher density housing options and a range of housing types to accommodate future growth.	RM-1	Up to 2 units/building, with a development density of 8 D.U./acre.	441.5
		RM-2	Up to 4 units/building, with a development density of 12 D.U./acre.	
		RM-3	Up to 12 units/building, with a development density of 16 D.U./acre.	
		RM-4	Up to 50 units/building, with a development density of 24 D.U./acre.	
		RM-PC	Maximum development density (without Senior Overlay activation) is 12 D.U./acre	
		MH	The primary use is modular and mobile homes, but also includes mobile home parks that meet or exceed the minimum requirements of RS-72 zone.	
		TR	Provides and regulates buildings and/or structures where travel trailers and recreational vehicles are permitted. This zone may also be used for travel trailer and recreational vehicle camping, tent camping and camping cabins.	

Future Land Use (FLU)	Description	Zoning	Description	Existing Acreage in City Limits
		HBD	This is the zone of the City's original economic activity. It is an active mix of professional offices and residences, personal services and small retail.	
COM (Commercial)	Provides for commercial activity and employment growth including office and retail uses.	CSL	Local scale retail development (stores less than 65,000 square feet), medical, professional and financial services.	482.4
		CSR	Primary location for businesses that support both the local and regional trade through the development of large format retail and regional commercial stores.	
		ID	This industrial zone permits a variety of industrial uses, controlled primarily by performance standards.	
IND (Industrial)	Provides employment growth for industrial and some commercial uses.	IBZ	A light industrial zone that permits a mixture of industrial and commercial uses.	331.8
		PU	Regulates public and quasi-public areas such as parks, open space areas, public buildings, and the Northwest Washington Fairgrounds.	
PUB (Public)	Provides public land needed to supply public facilities, services, and public open space.			183.7

The proposed change adds the RM-PC zoning category to the RM (Medium Density Residential) section of this table. Additionally, it changes the description of the RMD zone to only include duplexes as the “integration of single family and duplex homes.” This change to the RMD description reflects an adopted change to the RMD code which no longer allows more than a duplex to be built in that zone. This proposed change does not adjust the “Existing Acreage” column as those changes are more appropriate for when the global Comp Plan update occurs in 2024.

VI. For All Amendments:

- A. Describe how the proposed amendment to the plan is supported by or consistent with the existing goals and policies of the comprehensive plan and the State Growth Management Act?*

Pepin Creek Subarea:

This proposed amendment is the result of the continued planning efforts for the Pepin Creek subarea. The creation of the Pepin Creek Subarea is the result of an intensive planning process to establish zoning designations and design standards for this area prior to development occurring. This proposal adjusts Future Land Use designations within the subarea to reflect the subarea planning efforts.

- B. Have circumstances changed sufficiently since the adoption of the comprehensive plan to justify the proposed change? If so, the circumstances that have changed should be described in sufficient detail so that a finding of changed circumstances can be made and a decision as to appropriateness of the proposed plan amendment can be reached.*

Pepin Creek Subarea:

The addition of the 155 acres to the UGA, which occurred with the 2016 update, prompted the City to more intensively study how residential development will occur in this area. Simultaneously, the Pepin Creek relocation project has gained momentum and needs to occur in conjunction with development.

Therefore, the City decided to formally plan the development of this area. The result is the Pepin Creek Subarea, which guides how development will occur in this subarea. In 2018, the City amended portions of the Comp Plan to plan for the proposed densities as determined by the Pepin Creek Subarea plan. Since then, planning efforts have continued and minor adjustments to those proposed densities have been made.

This proposal adjusts Future Land Use designations within the subarea to reflect the ongoing subarea planning efforts and the ongoing adjustments to that plan.

C. Have the underlying assumptions found in the comprehensive plan upon which the land use designation, density or other provisions are based changed, or is new information available which was not considered at the time the plan was adopted? If so, the changed assumptions or new information should be described in sufficient detail to enable the Planning Commission and City Council to find that the land use designation or other sections of the plan should be changed. Examples of the underlying assumptions include expected population growth, utility or roadway capacities, available land supply, or demand for land with the existing or proposed land use designation.

No, the underlying assumptions have not changed. The Pepin Creek Subarea Plan, including the creation of the PCSA, helps to guide future residential growth in that location so that Lynden's character can be maintained while this growth occurs. This proposed amendment rearranges future land use allocations within the subarea designed to accommodate appropriate housing density and protect existing neighborhood character.

D. Does the proposed amendment promote a more desirable land use pattern for the community as stated in the goals and policies in the comprehensive plan? Are there environmental constraints (such as wetlands, steep slopes, significant stands of trees, etc.) present on the site to such a degree that development of the site is economically or physically unfeasible under the existing land use designation? If so, a description of the qualities of the proposed plan amendment that would make the land use pattern more desirable and/or would result in less environmental impact should be provided in sufficient detail to enable the Planning Commission and City Council to find that the proposed amendment is in the community's long term best interest.

Pepin Creek Subarea:

In 2018, the City established, through a Comp Plan Amendment, a new Subarea in the City, the Pepin Creek Subarea. The creation of the Pepin Creek Subarea was the result of an intensive planning effort to promote desirable, attractive neighborhood development in this area as this subarea has been planned to accommodate a large percentage of Lynden's residential growth over the next 20 years.

Pepin Creek, which currently flows as two roadside ditches along Double Ditch Road, is expected to be relocated within the subarea to improve stream habitat, increase flood capacity and to allow for improvements to Double Ditch Road. Relocating Pepin Creek is an extremely complicated

effort, the extent of which continues to be researched and refined. Refinements over the past year have resulted in a need to make housekeeping-type changes to the proposed zoning and future land use within the Pepin Creek Subarea. This includes a desire by policy makers to balance the need to accommodate projected growth, to protect existing land uses, and to work toward financing the relocation of Pepin Creek in order to allow residential development to occur. This Comp Plan Amendment proposal is those housekeeping changes which essentially rearranges proposed density within the subarea.

E. What impacts would the proposed amendment to the plan have on the current use of other properties in the vicinity? What measures should be taken to ensure compatibility with the uses of other property in the area?

The adjustments proposed are the result of continued planning efforts which will guide the development of the subarea. The proposed amendment adjusts locations of future residential densities based on the desire to accommodate residential growth pressure and to finance needed infrastructure within the Pepin Creek Subarea.

Growth pressure and associated development will have an impact. The Pepin Creek Subarea Plan provides guidelines for the development of residential neighborhoods, recreational opportunities, strong roadway connections to help alleviate negative impacts and to connect the neighborhoods into the fabric of this growing city. Furthermore, the proposed creek relocation project improves fish habitat and allows for the eventual upgrade of Double Ditch and Benson Roads, which are substandard regional roads.

F. How will the public interest be served by this amendment?

At the present time, Lynden is seeing strong pressure to add housing. While the City could take a hands-off approach, it has decided that it is in the best interest of the public to plan ahead. Therefore, it has created the Pepin Creek Subarea, and put significant resources toward relocating Pepin Creek and developing a Subarea Plan that will guide development and set design standards for the Subarea. It is expected that this development will occur over the next 2 decades, development will be linked by the planning efforts that are occurring as part of this plan. This proposal reflects those planning efforts.

By signing this application, I certify that all the information submitted is true and correct. I also understand that no final approval will be issued until all final review costs are paid in full.

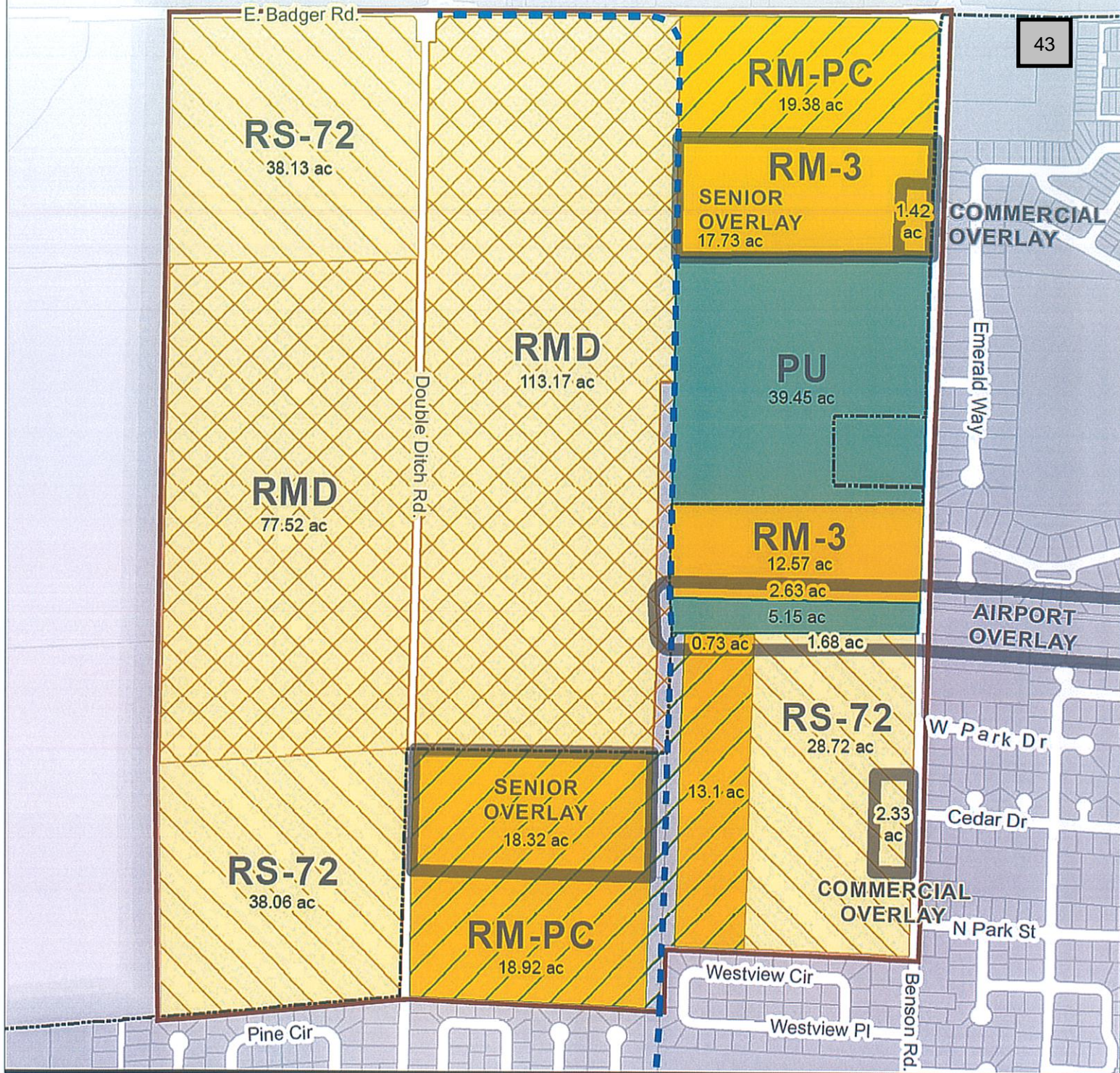
Applicant's Signature:  *Date:* _____

Property Owner's Signature: _____ *Date:* _____

Pre-application meeting date: _____

(Applications will not be accepted without a pre-application meeting)





Fee's (CPA \$350.00 or Final Review Cost) date paid: _____ *receipt #* _____

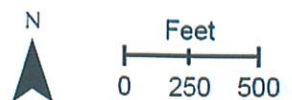


Future Zoning

	PU, Public Use	44.6 ac.
	Airport Overlay	5.15 ac.
	RS-72, Residential Single Family	108.91 ac.
	Commercial Overlay	2.33 ac.
	Airport Overlay	1.68 ac.
	RMD, Residential Mixed Density	190.69 ac.
	RM-3, Residential Multi-Family 3	34.35 ac.
	Senior Overlay	17.73 ac.
	Commercial Overlay	1.42 ac.
	Airport Overlay	2.63 ac.
	RM-PC, Residential Multi-Family - Pepin Creek	70.46 ac.
	Senior Overlay	18.32 ac.
	Airport Overlay	0.73 ac.

Features

-  Proposed Pepin Creek Alignment
-  Pepin Creek Sub Area
-  Overlays
-  City Limits



CITY OF LYNDEN



EXECUTIVE SUMMARY

Meeting Date:	December 2, 2019	
Name of Agenda Item:	Resolution No. 1014 - Request to Cancel Warrant #74183	
Section of Agenda:	Consent	
Department:	Finance	
Council Committee Review:	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
	Legal Review: <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required	
Attachments:		
Resolution No. 1014 Copy of Warrant No. 74183; supporting cancellation memos.		
Summary Statement:		
<p>RCW 39.56.040 states that any registered or interest bearing warrants of any municipal corporation not presented within one year of the date of their call, or other warrants not presented within one year of their issue, shall be canceled by passage of a resolution of the governing body of the municipal corporation, and upon notice of the passage of such resolution the auditor of the municipal corporation and the treasurer of the municipal corporation shall transfer all records of such warrants so as to leave the funds as is such warrants had never been issued; and</p> <p>Warrant No. 74183 has not and will not be presented for payment and should be canceled.</p>		
Recommended Action:		
The City Council give consent approval of Resolution No. 1014 and authorize the Mayor's signature.		

RESOLUTION NO. 1014

A RESOLUTION BY THE CITY OF LYNDEN, WASHINGTON
REQUESTING THE CANCELLATION
OF WARRANT NO. 74183

WHEREAS, RCW 39.56.040 states that any registered or interest bearing warrants of any municipal corporation not presented within one year of the date of their call, or other warrants not presented within one year of their issue, shall be canceled by passage of a resolution of the governing body of the municipal corporation, and upon notice of the passage of such resolution the auditor of the municipal corporation and the treasurer of the municipal corporation shall transfer all records of such warrants so as to leave the funds as is such warrants had never been issued; and

WHEREAS, it has been brought to the attention of the City Council that Warrant No. 74183 has not and will not be presented for payment; and

WHEREAS, documentation has been provided that the payment due was paid on an invoice; and

NOW, THEREFORE, BE IT ORDAINED BY the City Council of the City of Lynden as follows:

Section A: That Warrant No. 74183, in the amount of \$191.44, issued November 20, 2019 from Fund 001 be canceled.

Section B: If any section, subsection, sentence, clause or phrase of this resolution is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this resolution. The Council hereby declares that it would have passed this code and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact than any one or more sections, subsections, sentences, clauses or phrases has been declared invalid or unconstitutional, and if, for any reason, this resolution should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect

Section C: This resolution shall take effect and be in force from and after its passage by the Council and after its approval by the Mayor, if approved, otherwise, as provided by law and five (5) days after the date of its publication.

PASSED BY THE CITY COUNCIL BY AN AFFIRMATIVE VOTE, ____ IN FAVOR ____ AGAINST, AND SIGNED BY THE MAYOR THIS ____ DAY OF _____, 2019.

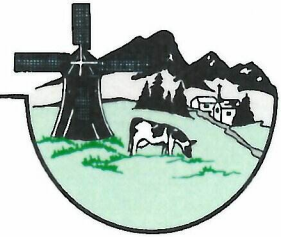
MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY



Memo

To: Anthony Burrows cc: Linde Schreifels
From: Linda Handy
Date: November 26, 2019
Re: VOID Claims Warrant #74183

• **TO BE VOIDED WITH CONSENT OF CITY COUNCIL**

Please void **warrant #74183** payable to Tyler Timmermans (v#4082) dated 11/20/19 in the amount of \$191.44. This warrant includes a reimbursement request from Dave Timmer (V#4754), but was posted to TJ Timmermans in error. Dave Timmer should receive \$152.32, and \$39.12 should be paid to TJ Timmermans.

Please void the warrant and transaction #'s 29187025 & 29187090.

The warrant is being held in the Finance safe until the void request has gone through city council & the process is complete.

Upon approval, warrants will be reissued to D. Timmer & T. Timmermans in the 12/3/19 AP check run.

Thank you,

LH

CLAIMS FILE COPY

11/20/2019

\$191.44

One Hundred Ninety One DOLLARS Forty Four CENTS

Timmermans, Tyler J
1804 Fairview Ct.
Lynden, WA 98264

NOT NEGOTIABLE

NOT NEGOTIABLE

COPY

TIMM	4082	80	11/20/2019	00074183	191.44	1/1
REFERENCE NO.	YOUR INVOICE NUMBER		INVOICE DATE	AMOUNT PAID	DISCOUNT	NET AMOUNT
29187025	timmer-10/19		10/22/2019	152.32	0.00	152.32
29187090	timmermans-11/19		11/09/2019	13.04	0.00	13.04
29187090	timmermans-11/19		11/09/2019	13.04	0.00	13.04
29187090	timmermans-11/19		11/09/2019	13.04	0.00	13.04

CLAIMS
FILE
COPY

4082
703955
291 48 025

City of Lynden

Reimbursable Business & Travel Expense Form

Employee Reimbursement
 City Credit Card Expense

Employee Name David Timmer Dept. Planning Date 10 / 22 / 2019
Home Address 201 S 17th St Reg. Sch. Wk. Hrs 8am -5pm

DETAIL OF TRAVEL EXPENSES

Destination Washington Athletic Club, Seattle Purpose Floodplains and Flood Risk Seminar
Departure Date & Time 10 / 3 / 19 5 : 00 AM PM Return Date & Time 10 / 4 / 19 8 : 00 AM PM

MEALS (use Per Diem Amount unless City Credit Card was used)

Date	Breakfast (\$13)	Lunch (\$14)	Dinner (\$23)	Full Per Diem (includes \$5 for incidentals) (\$55)	Total Meal Expense
		\$ 14.00			\$ 14.00
					\$ 0.00
					\$ 0.00
					\$ 0.00
					\$ 0.00
					\$ 0.00
					\$ 0.00
					\$ 0.00
					\$ 0.00
TOTALS	\$ 0.00	\$ 14.00	\$ 0.00	\$ 0.00	\$ 14.00

COPY

PRIVATE AUTO MILEAGE Miles driven 204 x \$ 0.580 = \$ 118.32

LODGING Name of Hotel/Motel _____ Amount Paid _____
(please attach required receipt)

SUBTOTAL TRAVEL EXPENSES \$ 132.32

DETAIL OF BUSINESS/MISCELLANEOUS EXPENSE

OTHER EXPENSE (Parking, Registrations, Meeting Expenses, Etc.)

DATE	PAID TO	FOR	Amount
10/04/2019	Flash Parking	Parking	\$ 20.00
TOTALS			\$ 20.00

SUBTOTAL BUSINESS/MISC. EXPENSES \$ 20.00

TOTAL OF ALL REIMBURSABLE EXPENSES \$ 152.32

CERTIFICATION

I hereby certify, under penalty of perjury, that this is a true and correct claim for necessary expenses incurred by me and that no payment has been received by me on account thereof.

Employee [Signature]

Supervisor Approval [Signature]

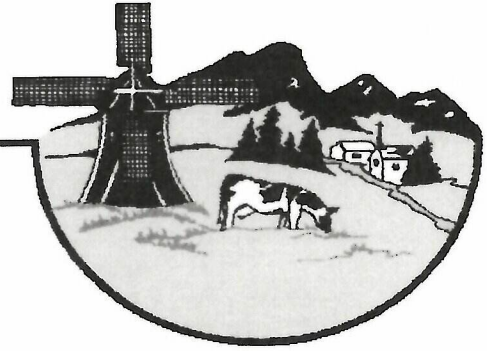
CITY OF LYNDEN
DEPARTMENT OF FINANCE
APPROVAL [Signature] DATE 11-18-19
OCT 23 2019
FUND/ 001 DEPT/ 002
BARS # 55860. 4303

FOR FINANCE OFFICE USE: Payroll

34
55860 4303 = 118.32

CITY OF LYNDEN

Travel Authorization Request



Name Dave Timmer
 Title City Planner
 Department Planning Dept

Purpose of Travel:

Official City Business Training/Continued Education/Conference Other _____

Floodplains and Flood Risk _____ The Seminar Group October 4, 2019
 NAME OF MEETING/CONFERENCE/TRAINING SPONSOR DATE(S)

Travel Information

Destination Washington Athletic Club, Seattle, WA

Departure Date & Time 10 / 4 / 2019 5:30 AM PM

Return Date & Time 10 / 4 / 2019 7:30 AM PM

COPY

Mode of Transportation

- Personal Vehicle
- City Vehicle
- Airplane
- Other _____

Estimated Expenses

Registration	449.00
Meals	14.00
Lodging	
Transportation	119.48
Miscellaneous	
Total	\$ 582.48

-206 Miles

Signatures

Employee¹ [Signature] Date 9/17/19

Supervisor [Signature] Date 9-17-19

Department Head² [Signature] Date 9-17-19

City Administrator or Mayor _____ Date _____

¹ Employee's signature affirms full understanding & compliance with City Travel Policies & Procedures as adopted by Council. An employee may be denied future travel and/or disciplinary action if they fail to comply with the City Travel Policies & Procedures. Employee acknowledges to submit travel expense vouchers for timely reimbursement in accordance with RCW 42.24.150. Employee further acknowledges payroll deduction liability for inappropriate travel charges.

² Department Head is responsible for your employee's understanding & compliance with the City's Travel Policies & Procedures.

City of Lynden

Reimbursable Business & Travel Expense Form

Employee Reimbursement
 City Credit Card Expense

4082
703971
291 50 90

Employee Name Tyler J. Timmermans Dept. Public Works Date 11 / 9 / 19

Home Address 1804 Fairview ct, Lynden Wa, 98264 Reg. Sch. Wk. Hrs 40

DETAIL OF TRAVEL EXPENSES

Destination _____ Purpose _____

Departure Date & Time ____/____/19 ____:____ AM PM Return Date & Time ____/____/19 ____:____ AM PM

MEALS (use Per Diem Amount unless City Credit Card was used)

Date	Breakfast (\$13)	Lunch (\$14)	Dinner (\$23)	Full Per Diem (includes \$5 for incidentals) (\$55)	Total Meal Expense
					\$ 0.00
					\$ 0.00
					\$ 0.00
					\$ 0.00
					\$ 0.00
					\$ 0.00
					\$ 0.00
					\$ 0.00
					\$ 0.00
					\$ 0.00
TOTALS	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

COPY

PRIVATE AUTO MILEAGE Miles driven _____ x \$ 0.580 = \$ 0.00

LODGING Name of Hotel/Motel _____ Amount Paid _____
 (please attach required receipt)

SUBTOTAL TRAVEL EXPENSES \$ 0.00

DETAIL OF BUSINESS/MISCELLANEOUS EXPENSE

OTHER EXPENSE (Parking, Registrations, Meeting Expenses, Etc.)

DATE	PAID TO	FOR	Amount
11/09/2019	Whistle Workwear	Clothing allowance	\$ 39.12
TOTALS			\$ 39.12

\$49.84 remaining 2019

SUBTOTAL BUSINESS/MISC. EXPENSES \$ 39.12

TOTAL OF ALL REIMBURSABLE EXPENSES \$ 39.12

CERTIFICATION

I hereby certify, under penalty of perjury, that this is a true and correct claim for necessary expenses incurred by me and that no payment has been received by me on account thereof.

Employee [Signature]
 Supervisor Approval [Signature]

APPROVAL [Signature] 11/15/19
 NOV 12 2019
 FUND/ DEPT/
 BANK #

FOR FINANCE OFFICE USE: Payroll

001/011 54230 3108 + 13.04
 401/411 53480 3108 + 13.04
 405/419 53580 3108 + 13.04

Customer Copy

Whistle Workwear - Bellingham
3908 Meridian Ave Ste # 102
Bellingham, WA 98226
1-360-676-7182
1-360-676-1814

www.americanworkwear.com

Sales Receipt

Transaction #: 308259
Account #: 000030000358
Date: 11/9/2019 Time: 11:47:06 AM
Cashier: Tiana Register #: 1

ACCOUNT: 000030000358
CUSTOMER: BETHANY HILT

Item	Amount
EW030A1 38x34	\$39.99
UTILITY JEAN	
Discount	(\$4.00)

Sub Total	\$35.99
State Tax	\$3.13
Total	\$39.12

Credit Card Tendered	\$39.12
Change Due	\$0.00

COPY

Auth Code : 21
ACCT : XXXXXXXXXXXX2410

AID : A0000000031010
TC : 53C88CD66602AAB5
CVM : Signature

You saved \$4.00!



308259

Thank you for shopping
Whistle Workwear - Bellingham
We hope you'll come back soon!

CITY OF LYNDEN



EXECUTIVE SUMMARY

Meeting Date:	December 2, 2019	
Name of Agenda Item:	Set the Public Hearing – Pepin Creek Sub-Area Plan	
Section of Agenda:	Consent	
Department:	Planning Department	
Council Committee Review:	<input checked="" type="checkbox"/> Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input checked="" type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
		Legal Review: <input checked="" type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input type="checkbox"/> Review Not Required
Attachments:		
Pepin Creek Sub-Area Plan (dated November 2019) - clarifications (redlines) made following PC Hearing		
Summary Statement:		
<p>In September of 2018 the City released a draft of the Pepin Creek Sub-Area Plan (PCSA). The intent of the plan is to develop a guide for future growth patterns that will be appropriate for the Lynden community. This is a unique area of the City that warrants a thoughtful planning effort.</p> <p>Given the projected costs of infrastructure in the Pepin Creek Sub-Area the City staff has been exploring alternate circulation routes and conducting traffic studies to test these alternate designs. As a result, the revised 2019 sub-area plan includes a new street layout and adjustments consistent with the code revisions made regarding applicable zoning categories and residential design standards adopted in March of 2019.</p> <p>It is important to note that while the sub-area plan assumes the realignment of Pepin Creek it does not decide on the design of this creek realignment project. The Public Works department is heading up environmental review of a couple different realignment options and their associated costs. It is critical to the environmental review process that the PCSA be in a final Council-approved form.</p> <p>Although the PCSA represents a monumental amount of research, outreach, and staff time it is critical to remember that the document is a plan rather than a contract. The goal of the plan is to guide development and priorities within the sub-area. It can, however, be altered, revised, and improved as we learn more about the channel project, projected costs, the housing market, and the needs of the City.</p> <p>At a November 21, 2019 hearing the Planning Commission recommended approval with specific considerations outlined for the City Council. Details of this hearing and Commission recommendations will be transmitted to the City Council ahead of the December 16th hearing.</p>		
Recommended Action:		
Motion to set a public hearing date of December 16, 2019 to consider the Pepin Creek Sub-Area Plan.		

Pepin Creek Subarea Plan

Planning Commission Draft | City of Lynden | November 2019



Prepared for:
Planning & Community Development Department
City of Lynden
300 4th Street
Lynden, WA 98264

Prepared by:
BERK Consulting, Inc.
Herrera Environmental Consultants

Under the direction of:
Communita Atelier

Table of Contents

Table of Contents	1
Table of Exhibits	2
Introduction	3
Vision and Guiding Principles	6
Public Input and Outreach	7
Subarea Plan Concepts	9
Goals and Policies	34
Implementation	37
References	48
Appendix A – Existing Conditions Report	49
Appendix B – Council Workshop	122
Appendix C – Transportation Analysis	123
Appendix D – Financial Analysis	126
Appendix E – Flood Hazards	129

Table of Exhibits

- Exhibit 1. The Pepin Creek Subarea in Context 4
- Exhibit 2. Future Land Use in Lynden and its Urban Growth Area 10
- Exhibit 3. Future Land Use in the Pepin Creek Subarea 12
- Exhibit 4. Water Resources in the Pepin Creek Subarea and Vicinity..... 15
- Exhibit 5. Circulation in the Pepin Creek Subarea 18
- Exhibit 6. Non-motorized Circulation 19
- Exhibit 7. Conceptual Benson and Double Ditch Roads Cross Sections 21
- Exhibit 8. Conceptual Pepin Parkway Cross Section 22
- Exhibit 9. Conceptual Neighborhood Roads Cross Section 22
- Exhibit 10. Conceptual Village or Cluster Access Street Cross Section..... 23
- Exhibit 11. Conceptual Alley Cross Section 23
- Exhibit 12. Conceptual Parks and Open Space Framework..... 24
- Exhibit 13. Conceptual City Park Layout 25
- Exhibit 14. Conceptual Pepin Creek Corridor Cross Section..... 26
- Exhibit 15. Conceptual Drawing of a Neighborhood Park 27
- Exhibit 16. Conceptual Drawing of a Pocket Park..... 27
- Exhibit 17. Conceptual Standard Lot Site Plan..... 29
- Exhibit 18. Conceptual Small Lot Site Plan with Alley Access..... 30
- Exhibit 19. Conceptual Small Lot Site Plan with Front Access 30
- Exhibit 20. Conceptual Cottage Site Plan..... 31
- Exhibit 21. Conceptual Attached Cluster Home Site Plan..... 32
- Exhibit 22. Conceptual Site Plan - Townhomes Built with Pocket Parks 33
- Exhibit 23. Conceptual Site Plan - Multi-family Housing..... 33
- Exhibit 24. Zoning in the Pepin Creek Subarea..... 39
- Exhibit 25. Land Capacity Ranges in the Pepin Creek Subarea..... 40
- Exhibit 26. Pepin Creek Subarea Phase 1 41
- Exhibit 27. Improvements Needed to Support Development in the PCSA 44
- Exhibit 28. Whatcom County Transportation Analysis Map..... 124
- Exhibit 29. Housing Units, Households and Trips..... 125
- Exhibit 30. Cost per Square Foot of Developable Land 127
- Exhibit 31. Per Square Foot Land Values for Comparable Developments in Whatcom County 128
- Exhibit 32. Comparison of PCSA Developable Land Costs to Land Values in Comparable Developments 128

Introduction

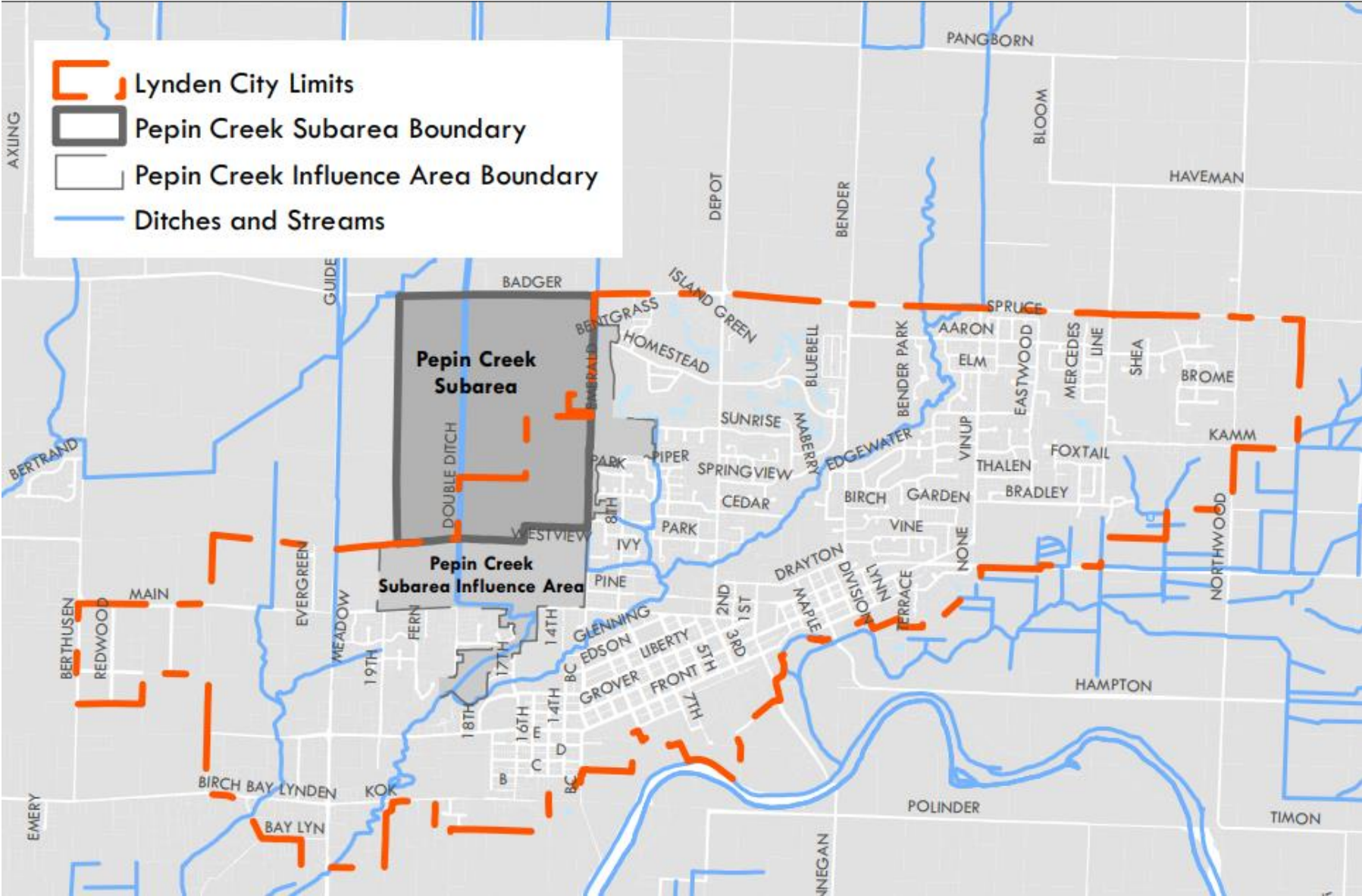
THE PEPIN CREEK SUBAREA PLAN

The Pepin Creek Subarea Plan is a 20-year plan for growth and development in the City of Lynden, identified as part of Lynden’s 2016 Comprehensive Plan. Development here helps achieve multiple goals of the City, including providing a diversity of housing types to meet the needs of everyday Lynden households, promoting a small-town community character, fostering an active lifestyle with recreation amenities, and improving environmental sustainability. The subarea is the site for the restoration of Pepin Creek which involves the realignment of the creek from drainage channels along Double Ditch Road and Benson Road into a more natural channel that provides better wildlife habitat, flood control, and a recreational amenity. While future development can be accomplished in the subarea without the Pepin Creek Realignment project, subarea development in tandem with the Pepin Creek realignment provides the opportunity to create a distinctive, amenity rich neighborhood that adds greater value to the city.

THE PEPIN CREEK SUBAREA

The Pepin Creek Subarea (PCSA) is approximately 460 acres and includes the northwestern Lynden city limits and urban growth area (UGA). Approximately 110 acres is currently within city limits and the remaining 350 acres are in the UGA as shown in Exhibit 1. This Exhibit shows the PCSA and its influence area in relation to Lynden city limits and the surrounding unincorporated area.

Exhibit 1. The Pepin Creek Subarea in Context



Source: BERK, 2018.

The PCSA was added to Lynden’s UGA as part of the Whatcom County Comprehensive Plan Update and the City’s Comprehensive Plan Update adopted in 2016. Lynden is projected to grow by about 6,403 new residents between 2013 and 2036 (Whatcom County, 2016). Although there is capacity for some growth in other parts of the city, the PCSA has been identified as a primary area for future residential development over the next 20 years.

The PCSA has areas of high-water table and has experienced flooding. In the late 1800s and early 1900s, settlers rerouted the original Pepin Creek to allow farming in this area. Remnants of the historic creek were moved into the “ditches” along Double Ditch Road and Benson Road. They also collected stormwater from adjacent farmlands and an upstream tributary area in Whatcom County and Canada. During periods of heavy rain, these waterways would overflow onto the adjacent roads and land. This resulted in property impacts, safety problems, and road closures. The presence of fish, including salmon spawning grounds, constrain the roads under normal conditions, preventing roadway improvements on Benson Road and Double Ditch Road. In reaction to these conditions, the City of Lynden initiated the Pepin Creek Realignment project to restore Pepin Creek and modify the ditches. The Pepin Creek Realignment Project was also anticipated to prevent downstream flooding impacts in the Pepin Creek Subarea Influence Area.

Additional information about the PCSA can be found in the Existing Conditions report in Appendix A

Frequently Used Terms

- **Pepin Creek Subarea Plan.** This document, which establishes goals and policies for the development of the subarea.
- **Pepin Creek Subarea.** The geography that is included in the Pepin Creek Subarea Plan.
- **Pepin Creek Realignment Project.** The engineering and environmental project that is moving the East and West ditches on Double Ditch Road into a consolidated Pepin Creek.
- **Pepin Creek Subarea Area of Influence.** The area downstream of Main Street that is influenced by the hydrology changes associated with the Pepin Creek Realignment Project.
- **Pepin Creek Project.** All the work to address environmental and land use considerations related to Pepin Creek. It includes the Pepin Creek Subarea Plan and the Pepin Creek Realignment Project.

Vision and Guiding Principles

VISION

The Pepin Creek Subarea allows Lynden to grow sustainably while preserving the community spirit, small town atmosphere, and connection to its agricultural roots that make Lynden unique.

GUIDING PRINCIPLES



Downtown Lynden. Photo: Bill Kreager



Pangborn Raspberry Farm. Photo Credit: Whatcom Business Alliance website

- **Small-Town Character.** Planning for growth in the PCSA, means Lynden can preserve the character of its existing neighborhoods and ensure that development within the subarea is designed to maintain community character.
- **Connection to Agriculture.** Lynden's history, social networks, and economy have connections to farming and agriculture. Coordinated growth within Lynden's city limits and UGA helps to prevent the conversion of farmland in the rural area and maintain the community's connections to an agricultural lifestyle.
- **Housing for the Whole Family.** As a multi-generational community, Lynden needs housing that meets the needs of the whole family. PCSA provides housing that meets the needs of people throughout their lifecycle, including housing that is affordable to those who work in Lynden.
- **Sustainable.** The restoration of Pepin Creek provides an enhanced, natural habitat for the fish and wildlife that live in this area. It also safely and effectively manages flooding and surface water impacts that affect property in the PCSA and its influence area.
- **Healthy.** Residents enjoy healthy lifestyles with plenty of access to open space and the ability to walk and bike safely throughout the PCSA.
- **Financially Feasible.** Development is an attractive investment for private developers and helps offset the costs of the Pepin Creek Restoration for the City. Ongoing maintenance associated with new development in the PCSA pays for itself.

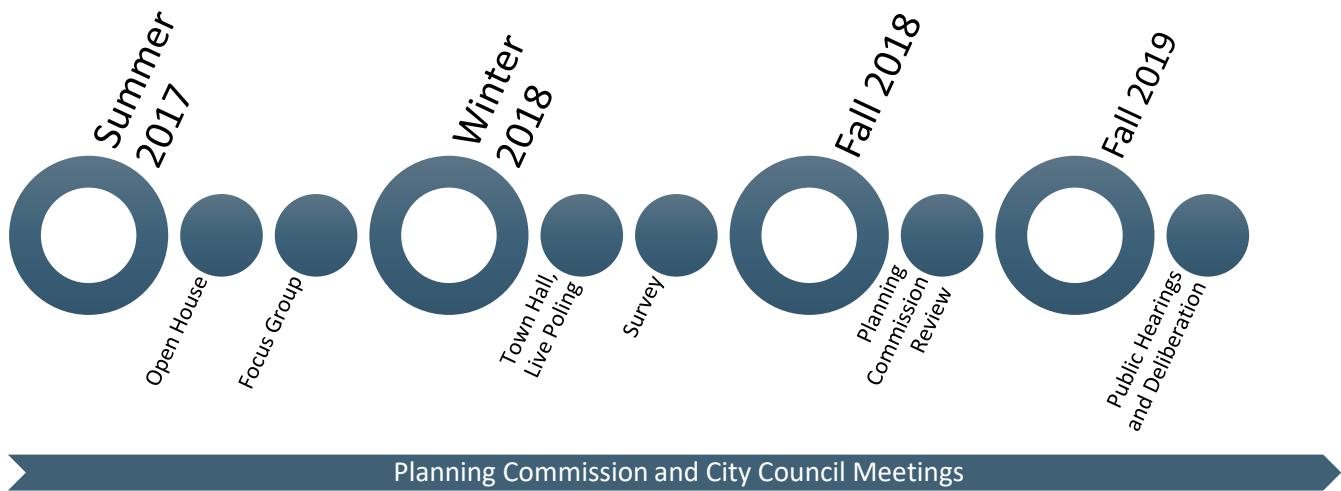
Public Input and Outreach

The PCSA plan was developed with input from the community. Outreach efforts were designed to get a broad range of responses, including from those who may not regularly engage in civic decision-making, and to hear from people who may be uniquely affected by the decisions made in the PCSA. This approach resulted in a large volume of input that represented many different viewpoints in the community.



Town Hall Meeting, January 2018.

Broad engagement consisted of a town hall meeting and an online survey, both taking place in January 2018. Approximately 80 people attended the town hall meeting where planners gave a short presentation on the PCSA and the policies of the Comprehensive Plan. Attendees participated in a live polling exercise that reviewed housing types and densities under consideration in the PCSA and allowed them to express whether they liked or disliked various concepts. There was also opportunity to make comments and ask questions in an open format. The online survey reached approximately 640 people, about 90% of whom live in Lynden and included those who work, go to school, or attend church or social groups in town. Similar to the live polling exercise, the survey asked people about housing types and densities, and asked what people value about living in Lynden and what they might like to see changed.





Resident and Property Owner Open House, July 2017.

Targeted engagement was aimed at reaching those that may be particularly affected by the changes in the PCSA. This includes nearby residents and the development community, including developers, builders, and real estate brokers. A meeting with 35 nearby residents and property owners was held in July 2017 at the start of the planning process. This was an open house where planners presented on existing conditions and the purpose of the

PCSA planning process and offered opportunity for comments and questions. To get the perspectives of the development community that might invest in the PCSA, City staff held focus groups and interviews and offered an online survey. Approximately 23 professionals participated in these engagements. These groups were asked about their preferences for investing in the PCSA and for information about the local housing market.

City Council and the Planning Commission also conducted a series of open public meetings where they received briefings, workshopped ideas, or provided direction for the PCSA. This series of meetings included sessions in July 2017, November 2017, and April 2018. At the November 2017 workshop, Council and Planning Commission participated in a live polling exercise that guided the development of the Plan, the results of the polling can be found in Appendix B. The direction of City Council and input from the public engagements drove the development of the concepts, vision, guiding principles, and policies of the PCSA plan.

Subarea Plan Concepts

LAND USE

Citywide Future Land Use

The City of Lynden Comprehensive Plan identifies the PCSA for urban growth. Whatcom County expects approximately 6,400 new people to live in Lynden and its UGA by 2036, which would grow the city to a total population of about 19,725. With an average of about 2.57 persons per household according to the Lynden Comprehensive Plan, the City needs to plan for nearly 2,500 new homes.

To meet this need, the Comprehensive Plan targets an average residential density of five units per acre within the city and UGA. In order to achieve that citywide average, new development areas need to be developed at a slightly higher density, averaging approximately seven units per acre. This is consistent with Goal 2P of the Whatcom County Comprehensive Plan that encourages an average density of 6-10 units per acre in Lynden. A mix of single-family and smaller-scale multi-family uses in the PCSA will meet this target density and help to preserve community character within existing neighborhoods in Lynden. It is estimated that development in the Pepin Creek Subarea could accommodate approximately 1,200 to 2,000 new homes. This allows most of Lynden to keep its Low Density Residential land use as shown in ~~Exhibit 2~~[Exhibit 2](#). In addition, the provision of new housing within the UGA helps prevent the expansion of residential development into rural lands, helping to preserve the social, economic, and historical connections to agriculture that are important to Lynden’s character and community values.

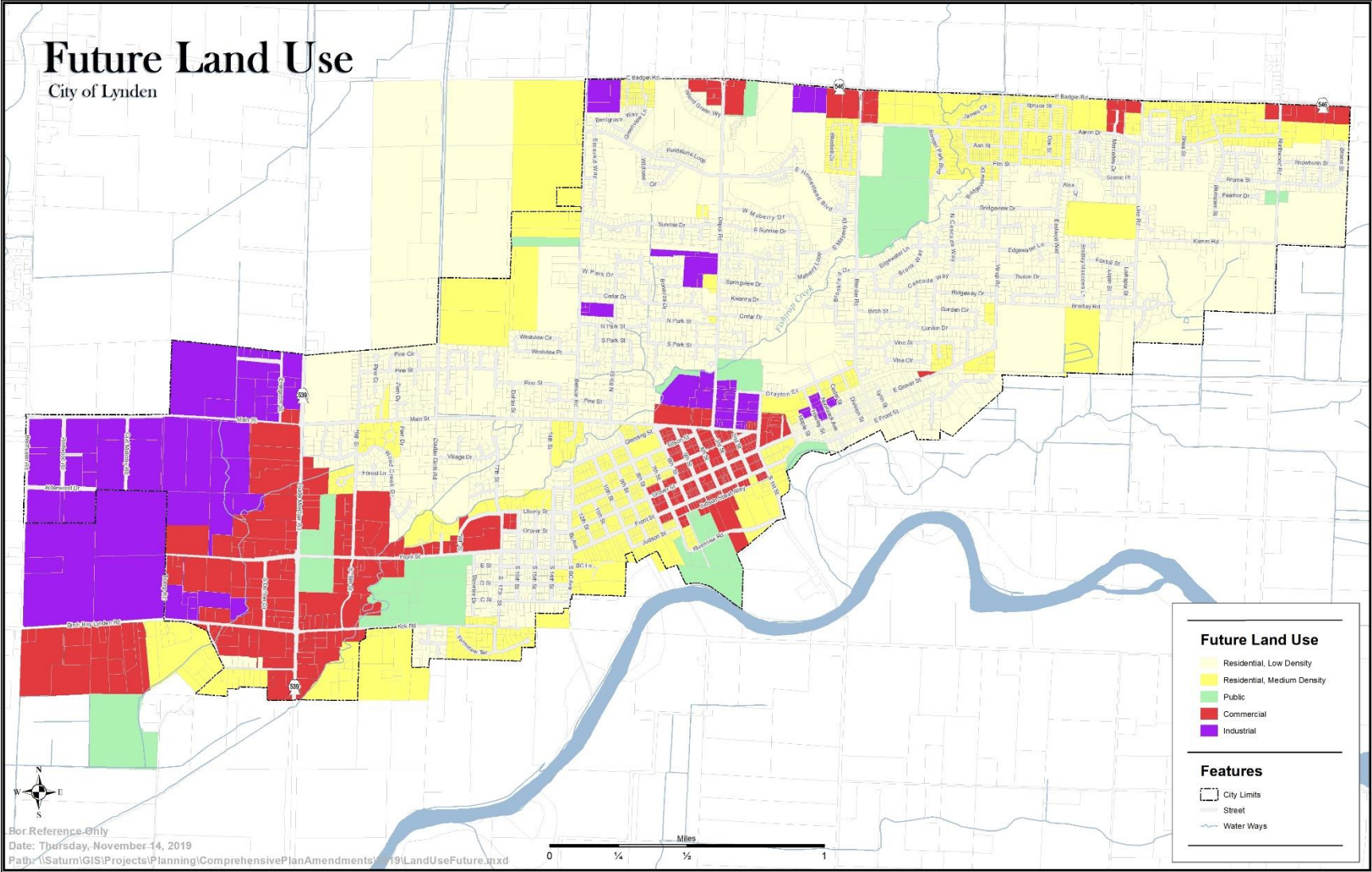
Pepin Creek Subarea Future Land Use

The PCSA is primarily a residential environment that supports Lynden families throughout their lifetime. Whether someone is starting out in life, building a family, or enjoying retirement, Pepin Creek residents can find a home that matches their needs in a community that maintains its small-town character with plenty of green spaces, fresh air, and in developments built to encourage social interactions between neighbors. The residential area is separated into two main categories: Low Density Residential land use and Medium Density land use as shown in Exhibit 3.

Low Density Residential Land Use

The purpose of the Low Density Residential land use district is to maintain “*stable, low density, largely single-family neighborhoods, while providing a range of housing types and prices,*” as described in the Comprehensive Plan. Low Density Residential land use makes up the majority of the study area. It is expected that within the PCSA Low Density Residential land use district there will be a mix of traditional large lot single-family homes as well as smaller lot single-family homes. Smaller lot single-family homes should be located near public green space, such as the Pepin Creek corridor, to give a feeling of openness. Small lot developments in this zone may also be designed in a clustered pattern to create shared green space. It is implemented by the RS-72 and RMD zones in the Pepin Creek Subarea.

Exhibit 2. Future Land Use in Lynden and its Urban Growth Area*



Source: Lynden GIS, 2019 *Shows land use designations reflecting the proposed adoption of the Pepin Creek Subarea Plan



Medium Density Land Use

Medium Density Residential land use “provides higher density housing options and a range of housing types to accommodate future growth,” according to the Comprehensive Plan. This designation is placed near public open spaces to support residential styles that need less individual open space. Cottage housing, townhomes, and zero lot line housing is built at higher densities than single-family housing by producing smaller units on smaller lots and efficiently providing shared open spaces such as pocket parks and courtyards. This type of housing is often attractive to first time homebuyers, young adults just starting out, and seniors. It is located along the Pepin Creek corridor and adjacent to areas of the future City Park to maximize access to public open space. In areas where the Medium Density district abuts a lower intensity residential district, a transition area will be provided. The Medium Density Land Use Designation is implemented by RM-PC and RM-3 zones in the Pepin Creek Subarea. Small neighborhood commercial nodes may be allowed as secondary uses.



Public Use

There are about five acres of land set aside for Public Use for the airport runway protection area.

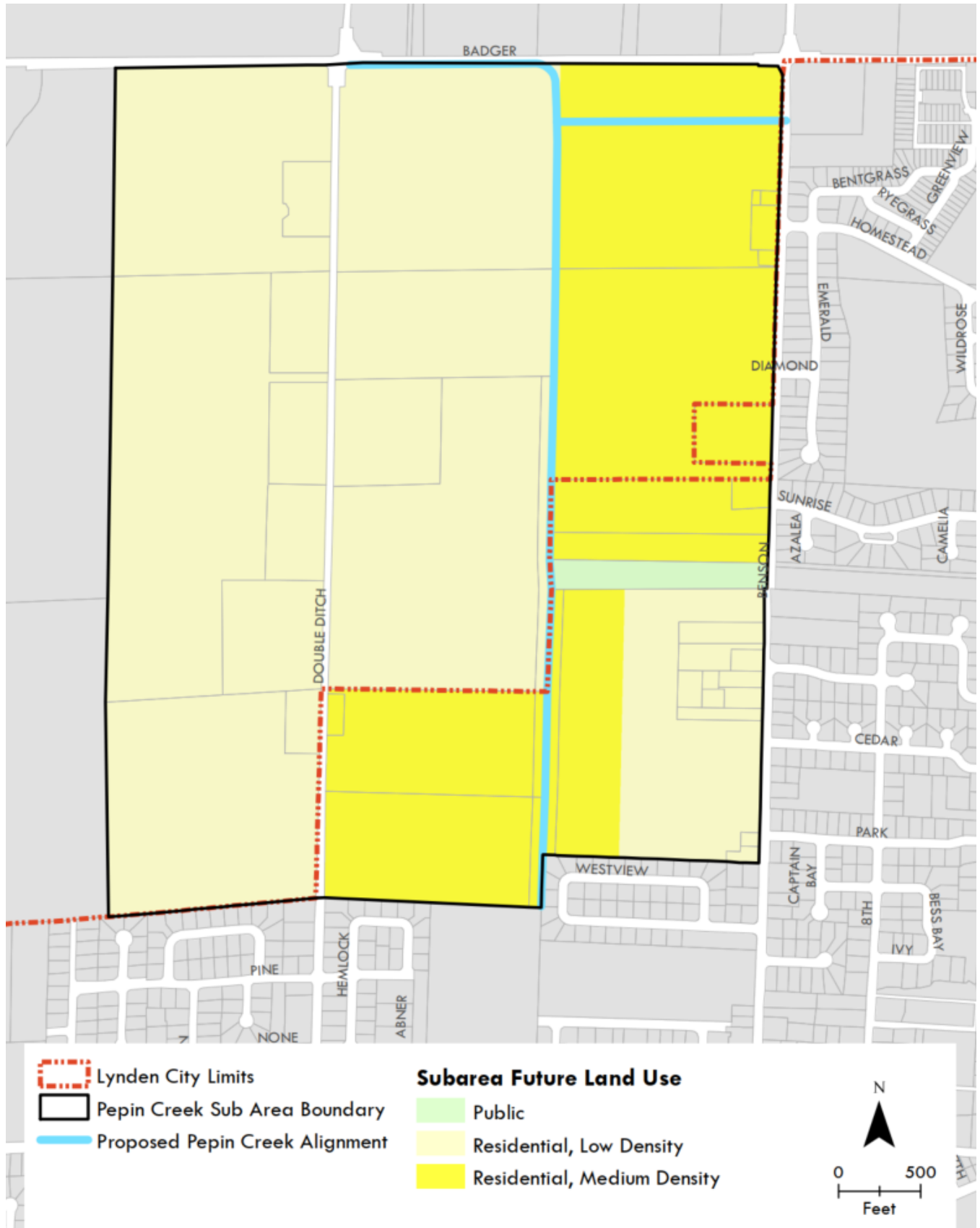
Airport Compatible Land Use

Lynden Municipal Airport, also called Jansen Field, sits on about 12 acres outside the PCSA to the east. There is small strip of land (approximately five acres) in the PCSA that the City purchased as a safety area and to prevent future development that might interfere with airport operations. This strip of land will be preserved as open space and will not be developed. Activity at the airport is generally limited to the smallest class of aircraft weighing less than 12,500 pounds with wingspans less than 49 feet. With a runway of only 2,425 feet, Jansen Field can accommodate approximately 70% of the smallest class of aircraft. The airport accommodates recreational flying and some business aircraft operations. (Airside, 2008).

Land use around the airport includes a mix of uses, including residential use as shown in Exhibit 3. Residences and the Homestead development lie to the north and a mix of residences, churches, commercial, and industrial areas lie to the south. To date, airport compatibility has not been a problem. New residential development in the PCSA may increase the potential for land use conflicts or compatibility issues. More frequent use of the Airport, as other local airstrips shutdown or limit small craft operations, could also increase the potential for land use compatibility issues.

Lynden does not have an airport compatibility land use plan. The Comprehensive Plan briefly mentions the airport as a regional transportation facility. Whatcom County’s Comprehensive Plan includes policies for compatibility. Lynden does have an Airport Overlay zoning district that protects the area adjacent to the runway from hazards and allows some aviation-related uses. The Airport Overlay is extended to include the five-acre safety area in the PCSA as shown in Exhibit 3. In addition, the City should require new residential development in the PCSA to sign a covenant that acknowledges the potential for noise and other impacts related to airport operations as part of its platting process.

Exhibit 3. Future Land Use in the Pepin Creek Subarea



Source: BERK, 2019.

ENVIRONMENT

The PCSA lies within the Nooksack River Water Resources Inventory Area 1. The PCSA and most of the city are outside the mapped Nooksack River's FEMA 100-year floodplain. Existing surface water resources in the PCSA include Pepin Creek, which is conveyed by Double Ditch East and Double Ditch West within the PCSA, Benson Ditch, and several lateral ditches (as shown in [Exhibit 4](#)). Pepin Creek drains to Fishtrap Creek, a tributary of the Nooksack River.

As part of the Pepin Creek Realignment Project, the City is planning to reconstruct the creek corridor through the subarea to reduce flooding. The creek realignment work is occurring separately from the planning for this subarea. To date, work has already begun on the Pepin Creek Realignment project:

- A local engineering firm, Reichhardt & Ebe Engineering, Inc. (R&E), has been working on the preliminary investigation and design of the new creek corridor that runs north-south at the mid-point between Double Ditch Road and Benson Road. Two significant design scenarios for the new Pepin Creek corridor have been analyzed. Additional environmental review and collaboration with outside agencies is expected to begin in early 2020.
 - **Realignment:** One design is anticipated to accommodate the existing water in the roadside ditches both at ordinary and flood stages. This design includes provisions to reinforce creek shorelines in the downstream reach south of Main Street where highly erosive soils and high stream flows threaten existing development. This design is expected to provide flood protection, improve water quality and fish habitat, provide a recreational amenity, and function as the downstream receiving water body for managed stormwater in the subarea.
 - **Stormwater By-Pass:** The second design scenario anticipates that the new creek corridor will accommodate creek flows adequate for fish habitat while higher capacity flows, including flood stages, would be by-passed into a stormwater (pipe) system and discharged into Fishtrap Creek. This system reduces the risk to the downstream reach of Pepin Creek, south of Main Street, by re-directing high water flows rather than physical reinforcement of shorelines. A sophisticated fish exclusion system is included in this scenario to ensure fish are kept within the creek channel and not swept into the by-pass system. The by-pass pipes would be located within the Double Ditch right-of-way corridor.
- The City has acquired most of the land needed for a 75 to 150-foot-wide creek corridor, and acquired another 40 acres, a portion of which will be used for new city park land in the subarea. Preliminary site investigation and design work have been completed. The engineering team has also begun design a new Main Street Bridge which is needed in both the realignment and by-pass scenarios. BERK Consulting is supporting financial tools, which aim to collect development's contribution to the creek realignment project.

The PCSA is relatively flat, subject to wintertime flooding, and has seasonal high groundwater. Drainage in the PCSA is provided primarily by the roadside ditches along Benson Road and Double Ditch Road. Both ditches originate north of the City of Lynden and drain areas of Whatcom County north of Lynden and into Canada. Both ditches discharge to Fishtrap Creek and the subject of planned reroute project that is currently in the design and permitting process.

The PCSA is actively farmed and ditches on private property, beyond the roadway right-of-way, are present throughout. Within the agricultural portion of the PCSA there is an informal network of drain tile

and ditches which provide drainage to the agricultural fields. There are reports of extensive forested wetlands historically occurring in the area. However, soil survey maps show the soils as drained, indicating that they may not support wetlands today.

The Fish and Wildlife Habitat Conservation Areas within the PCSA include the Double Ditch Road and Benson Road ditch systems. They are Washington Department of Fish and Wildlife priority habitats for federal and state listed salmonid species and documented habitat for locally important species (WDFW 2017a). Fish and Wildlife Habitat Conservation Areas are subject to the standard buffer widths established in the Lynden Municipal Code (LMC 16.16.380).

Wetlands within the PCSA are subject to the wetland requirements established in the Lynden Municipal Code as well (LMC 16.16.260 through 16.16.320). The terrestrial habitats in the study area consist of agriculture, grassland, and pasture. They provide habitat for a variety of bird species but are not documented Washington Department of Fish and Wildlife Priority Habitats or habitats for species of local importance, therefore they are not designated as Fish and Wildlife Habitat Conservation Areas.

As the subarea develops, formal critical area delineations and adherence to required buffers and setbacks will be necessary, including an evaluation of potential impacts and required mitigation. Stormwater management will also be required to meet City codes and to ensure consistency with the current Ecology stormwater manual for Western Washington. Ideally, there will be opportunities to integrate low impact development stormwater management into other subarea plan features and roads.

Flood Hazard Mitigation

The City is considering the implementation of aThe Flood Hazard Mitigation Overlay. The overlay would be-is applicable to the entire PCSA and recognizes the hazards associated with surface flow flooding, ground water, drainage, and downstream constraints within the subarea. Overlay requirements wouldi# be included in an implementing ordinance. The requirements wouldi# ensure that development in the subarea is designed and mitigated to prevent cumulative negative impacts to the surrounding community to avoid flooding of residential neighborhoods, life safety issues associated with road closures, and significant property damage.

TRANSPORTATION

Road System Capacity

Successfully accommodating new growth and development in the PCSA requires attention to the circulation system that connects the subarea to the rest of Lynden and the surrounding region, as well as the connections within the subarea itself. As identified in the Existing Conditions Report in Appendix A, there are few roads serving the PCSA because of its current agricultural, low intensity development pattern. The Lynden Comprehensive Plan anticipates the need for transportation improvements in the PCSA due to growth. The Transportation Element forecasts growth of up to 1,096 households in the subarea, which will require roadway improvements that support cars, bicycles, and pedestrians. Some of these road improvements are currently listed in Lynden's Transportation Improvement Plan. Lynden's Transportation Element is focused on intersection operations though adequate road extensions and design are also considered.

As part of the 2016 Comprehensive Plan update process, Whatcom County studied different growth scenarios for the PCSA ranging from 578-1,433 new households and published an Environmental Impact Statement (EIS) with the results, see the details in Appendix C (Whatcom County, 2015). The analysis was based on a transportation model developed by the Whatcom Council of Governments (WCOG) that focused on the volume and capacity of roadways at a countywide scale. The model showed that traffic would be within adopted level of service standards for roadways per Whatcom County standards, except in two areas. Guide Meridian Road between the existing city limits and East Badger Road would likely experience some slowdowns in afternoon peak traffic and there would be additional delays on East Badger Road between Guide Meridian Road and the existing city limits.

Once the City began more focused planning for the PCSA, the City asked the WCOG to apply its model to study the effect of a greater number of households on traffic. The WCOG tested the effect of 1,559 households in the PCSA. It assumed development of Pepin Parkway as an extension of Homestead Boulevard, connecting to Double Ditch Road as shown in Exhibit 5Exhibit-5. Overall, the study found that traffic impacts would be consistent with the projected results from the County's 2015 EIS. Predictably, the presence of the Pepin Parkway reduces traffic flows on Benson road south of Homestead Boulevard and

increases traffic on Double Ditch Road south of the parkway to Main. Despite the difference in traffic flow, this indicates that the Pepin Creek road system should be able to handle the transportation needs that accompany growth, although modifications to the Transportation Improvement Program are needed to account for the changes in traffic flow related to Pepin Parkway.

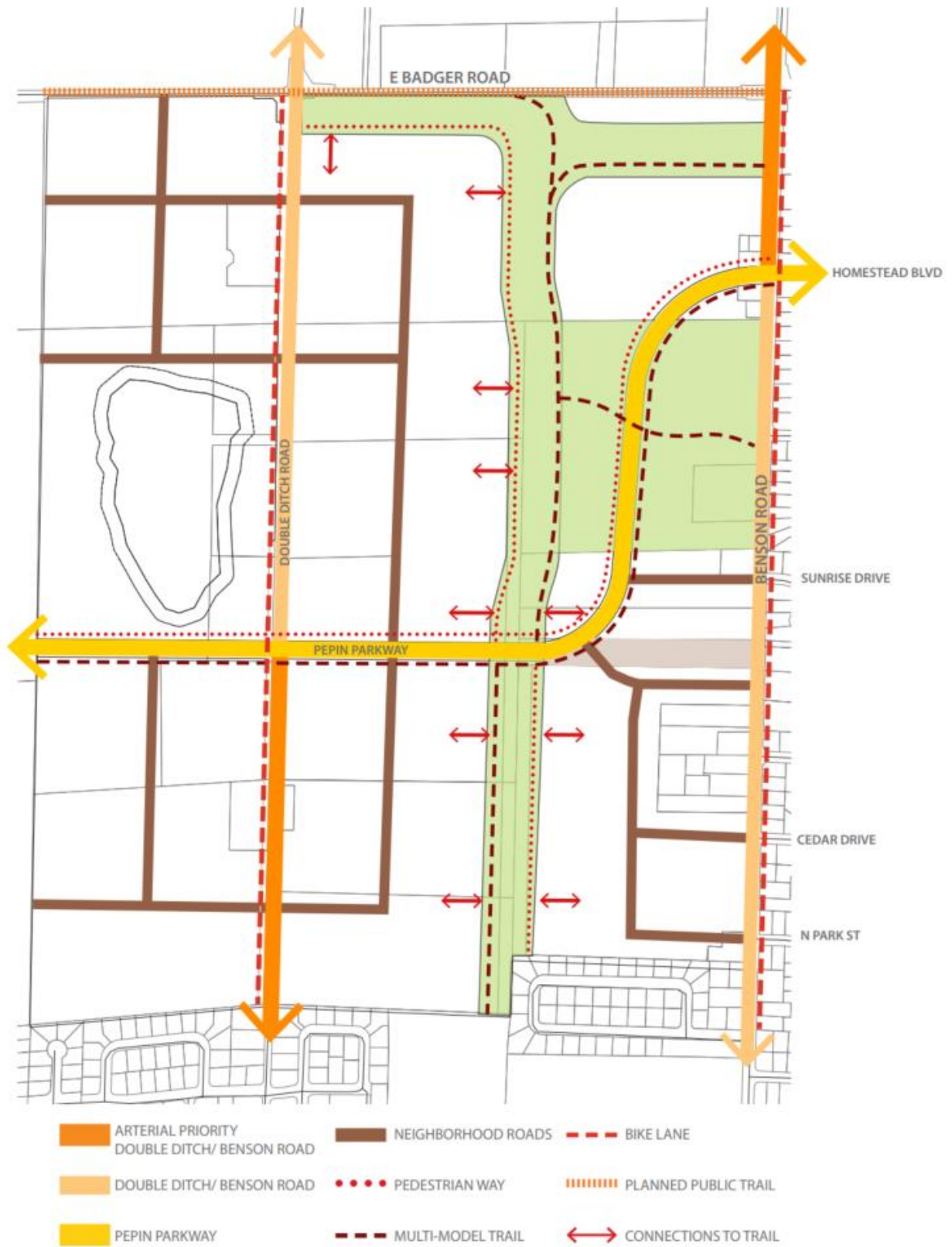
Circulation

The road system in the PCSA creates a hierarchy of streets that maximizes connectivity within the subarea and within the individual neighborhoods as shown in [Exhibit 5](#)~~Exhibit-5~~. This hierarchy is designed to provide connectivity between the neighborhoods and the surrounding City of Lynden and incorporates low impact development practices into the street design to allow for sustainable drainage techniques. To make this system work, there are a variety of streets and alleyways that accommodate a full range of development types and road functions. These roadways are designed to provide a safe and inviting environment for pedestrians with sidewalks and curbs along all new streets. This type of circulation system is easily navigated and encourages physical activity throughout the community.

In addition to the road system, the PCSA vision includes a network of connected trails and pathways throughout the community that are separated from the vehicle network, including a regional multi-modal trail along the Pepin Creek realignment corridor. These trails and pathways will safely accommodate a variety of users and provide connections between homes, local amenities, and regional destinations such as: neighborhood retail, schools, parks, natural and open spaces, and downtown Lynden. By connecting trails and pathways to the road system at key points and along Pepin Parkway, the non-motorized circulation system shown in [Exhibit 6](#)~~Exhibit-6~~ encourages safe and healthy transportation and recreational activities such as walking, running and biking.

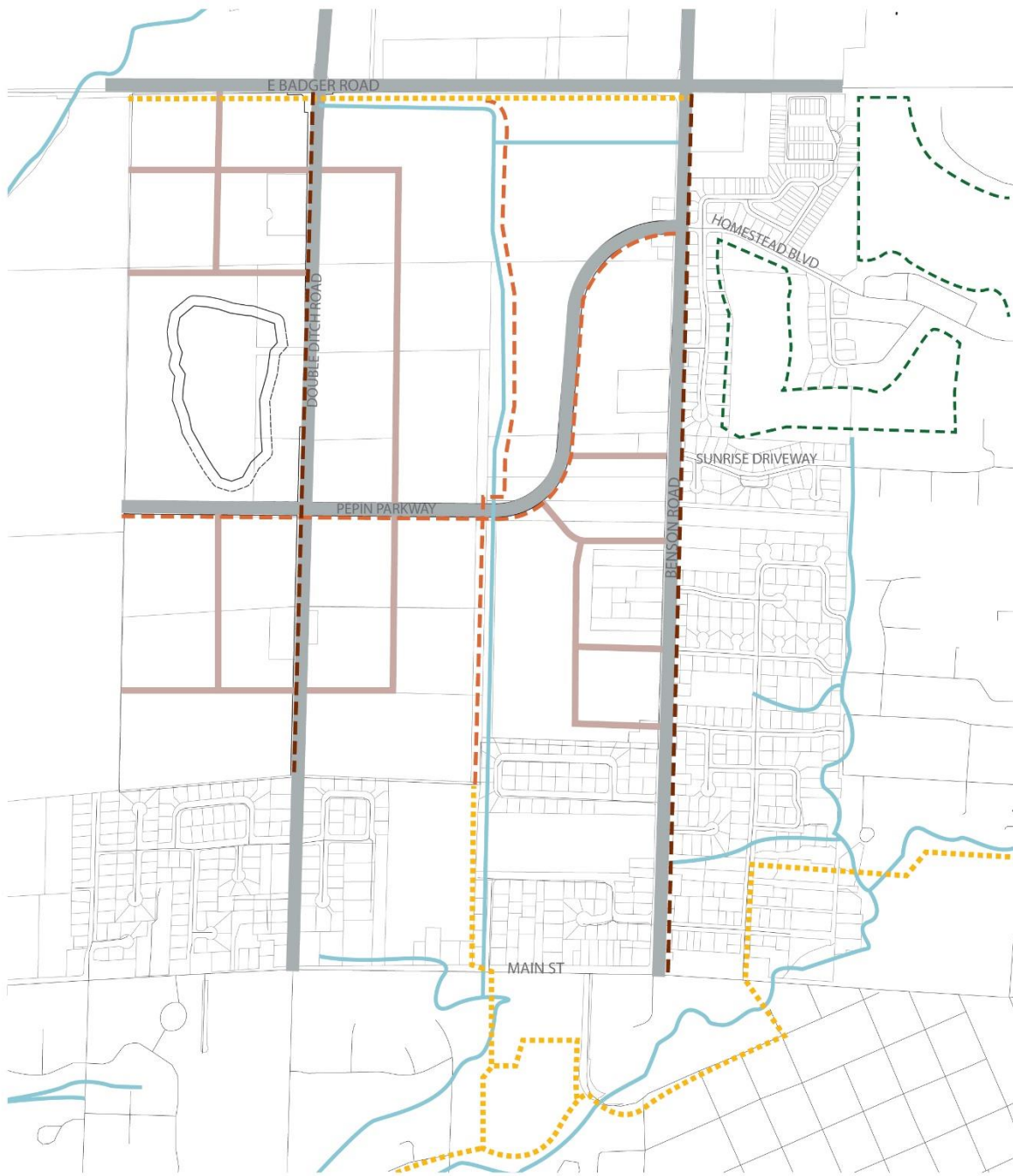
City engineering standards will be updated to reflect the planned cross-sections. The City may implement its desired cross section with its land use and environmental permit authorities, consistent with Policy PC 6.6, until city standards are amended.

Exhibit 5. Circulation in the Pepin Creek Subarea



Source: Communita, 2019.

Exhibit 6. Non-motorized Circulation



LEGEND

- | | | |
|--|--|--|
|  PLANNED PUBLIC TRAIL |  GOLF TRAIL |  PROPOSED ROAD |
|  PCSA PLANNED TRAIL |  STREAM/RIVER |  RECREATION |
|  BIKE LANE |  ROAD | |

Source: Communita, 2019.

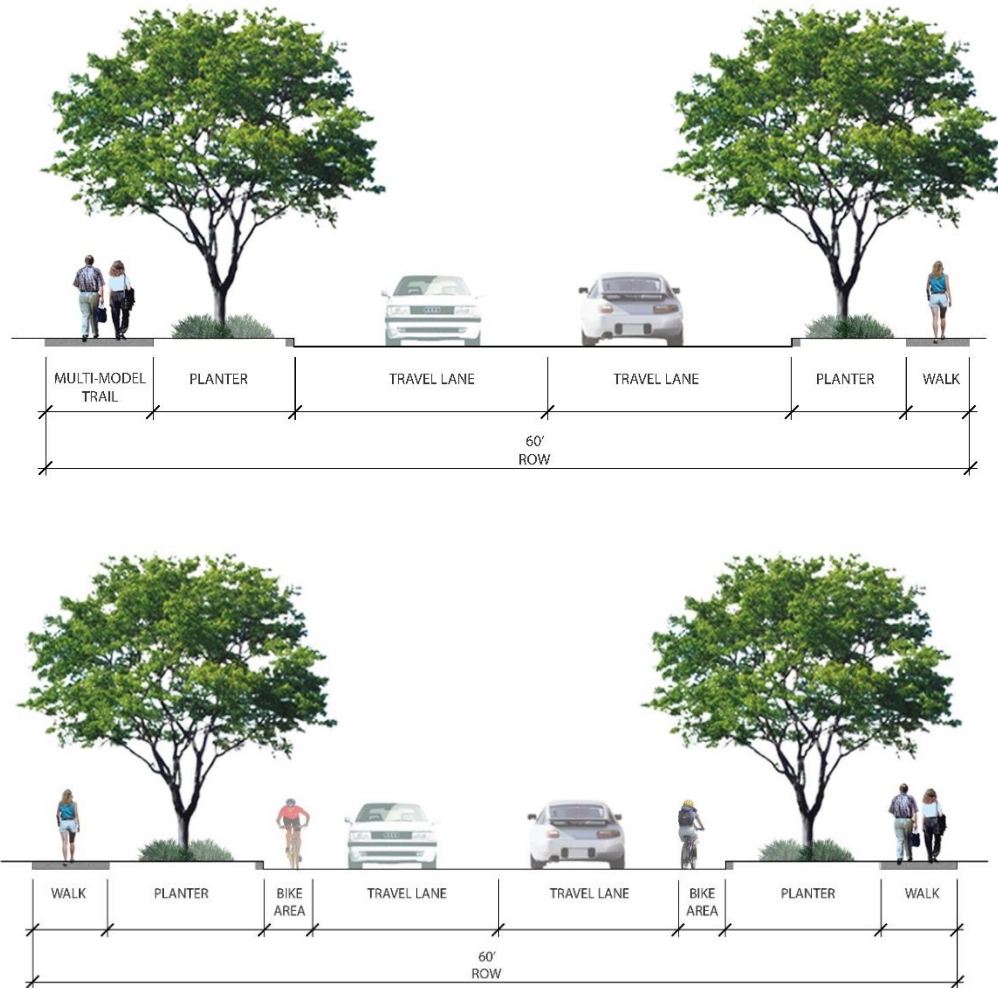
Benson Road and Double Ditch Road

Currently, three existing public roads serve the PCSA and connect it to downtown Lynden and surrounding areas as show in ~~Exhibit 5~~ [Exhibit 5](#). East Badger Road runs along the northern edge of the PCSA. Benson Road and Double Ditch Road run north-south through the subarea with Benson Road located along the eastern edge of the PCSA and Double Ditch in the western half of the subarea. Double Ditch includes the channels that currently contain the waters of Pepin Creek. Likewise, Benson Road includes a ditch containing a fish bearing waterway and stormwater damage. The waters of Pepin Creek and potentially the Benson Road ditch will be redirected toward the new channel through the realignment process. This process, as well as the anticipated growth in the PCSA, will require that the roadway network is redesigned and improved.

Benson and Double Ditch roads will likely be improved in phases while the construction of Pepin Parkway will become a priority to facilitate regional traffic and accommodate growth. Pepin Parkway represents a safer transportation corridor than the existing conditions on Benson and Double Ditch roads. Pepin Parkway will have limited intersections, no driveway access, and no parking. There will be a sidewalk and a wide planting strip provided on each side of the street between the curb and the sidewalk to provide a safe pedestrian environment. The roads will also include either a dedicated bike lane on the shoulder of the vehicular travel lane, or a combined bike and pedestrian travel lane that is wide enough to safely accommodate both modes. Traffic calming strategies should be included in the final design of these roads to ensure safety and reduce speeds along these straight roads. Benson and Double Ditch Road will be improved to an alternate standard which could include the concepts illustrated in

| ~~Exhibit 7~~ Exhibit 7.

Exhibit 7. Conceptual Benson and Double Ditch Roads Cross Sections



Source: Herrera and Communita, 2018.

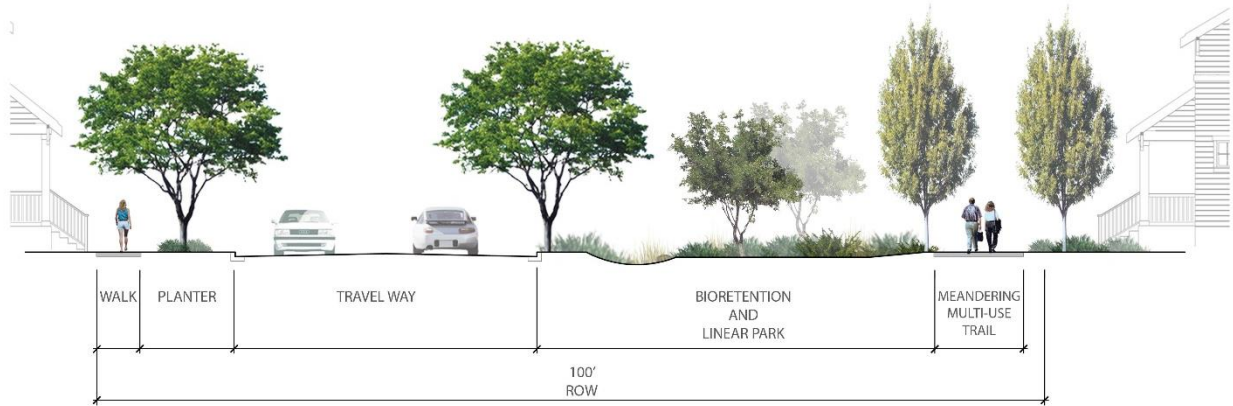
Pepin Parkway

Pepin Parkway will run diagonally through the subarea. Stretching from the northeast corner of the subarea near the intersection of Benson Road and Badger Road it will serve as an extension of Homestead Blvd. Running through the City owned Benson Park property, the Parkway will provide a safer park entrance than could be provided on Benson Road. Crossing the creek channel at the end of the airport safety zone, the proposed path of the Parkway once again takes advantage of property already owned by the City. On the west side of the new creek channel Pepin Parkway will connect to future city roads. Pepin Parkway will include a sidewalk and a large planting strip on both sides of the road that can accommodate large trees. A multi-modal trail will be on one side, separated from the vehicles by a wide landscaped area. Parking may be provided in parking pockets where needed. The parkway should act as part of the neighborhoods rather than a barrier.

Pepin Parkway will serve as a linear park that integrates different housing developments into a neighborhood by limiting intersections and incorporating a multi-modal trail that meanders through a park-like setting. Where feasible, the parkway will include bio-retention and natural drainage, which will

help with stormwater control and provide landscaping to enhance the feeling of comfort for pedestrians. Ideally, homes will front or side onto Pepin Parkway. When this is not possible, a heavy landscape buffer will be provided.

Exhibit 8. Conceptual Pepin Parkway Cross Section

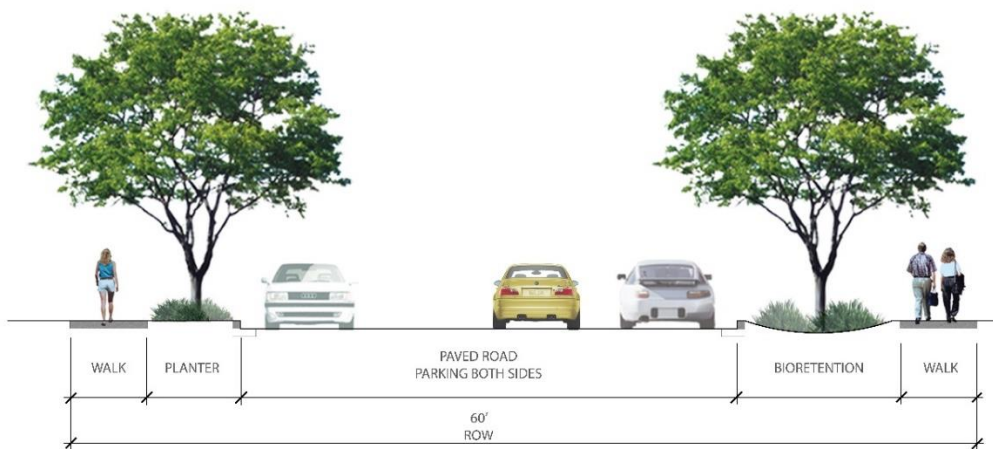


Source: Herrera and Communita, 2018.

Neighborhood Roads

Neighborhood Roads are a secondary system of roads that provide connectivity between individual developments and the PCSA as shown in [Exhibit 5](#). They connect developments to the Pepin Parkway, Benson Road, Double Ditch Roads and E. Badger Road. Homes will feature porches and stoops that front or side on Neighborhood Roads to create a feeling of community. Trees and sidewalks will be provided on both sides of the street to enhance the pedestrian-friendly streetscape. Natural drainage systems may be integrated into the planting strip to carry stormwater to the Pepin Parkway drainage system. Parking will be provided on both sides of the street to allow space for residents and the guests, as well as to calm traffic moving through the area (see [Exhibit 9](#)).

Exhibit 9. Conceptual Neighborhood Roads Cross Section

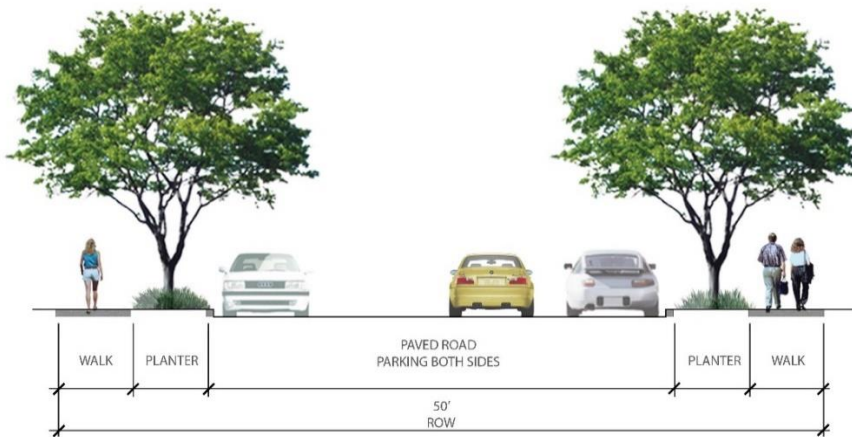


Source: Herrera and Communita, 2018.

Village or Cluster Access

Village and Cluster Access streets are intended to be public streets with a right-of-way width of only 50 feet (see [Exhibit 10](#)~~Exhibit 10~~). This street type is intended to provide vehicular access to a maximum of eight units. It will also provide pedestrian connectivity with a planting strip and sidewalk on both sides of the street. The access roads include parking on both sides of the street for residents and guests and where possible, front porches will face the street to encourage social interaction amongst residents.

Exhibit 10. Conceptual Village or Cluster Access Street Cross Section

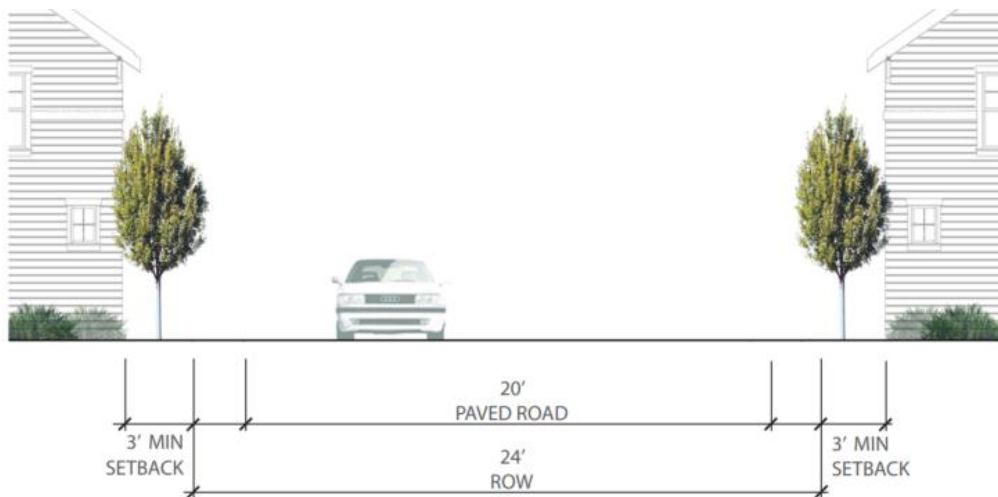


Source: Herrera and Communita, 2018.

Alleys

The use of private alleys in the PCSA is permitted. Alleys can be used to create a pedestrian friendly streetscape and eliminate pedestrian and vehicular conflicts. The use of alleys also minimizes curb cuts and allows for better social interaction and encourages walking and health in a safe pedestrian environment. Alleys in the PCSA will be 24' ROW in which 20' will be paved (see [Exhibit 11](#)~~Exhibit 11~~).

Exhibit 11. Conceptual Alley Cross Section

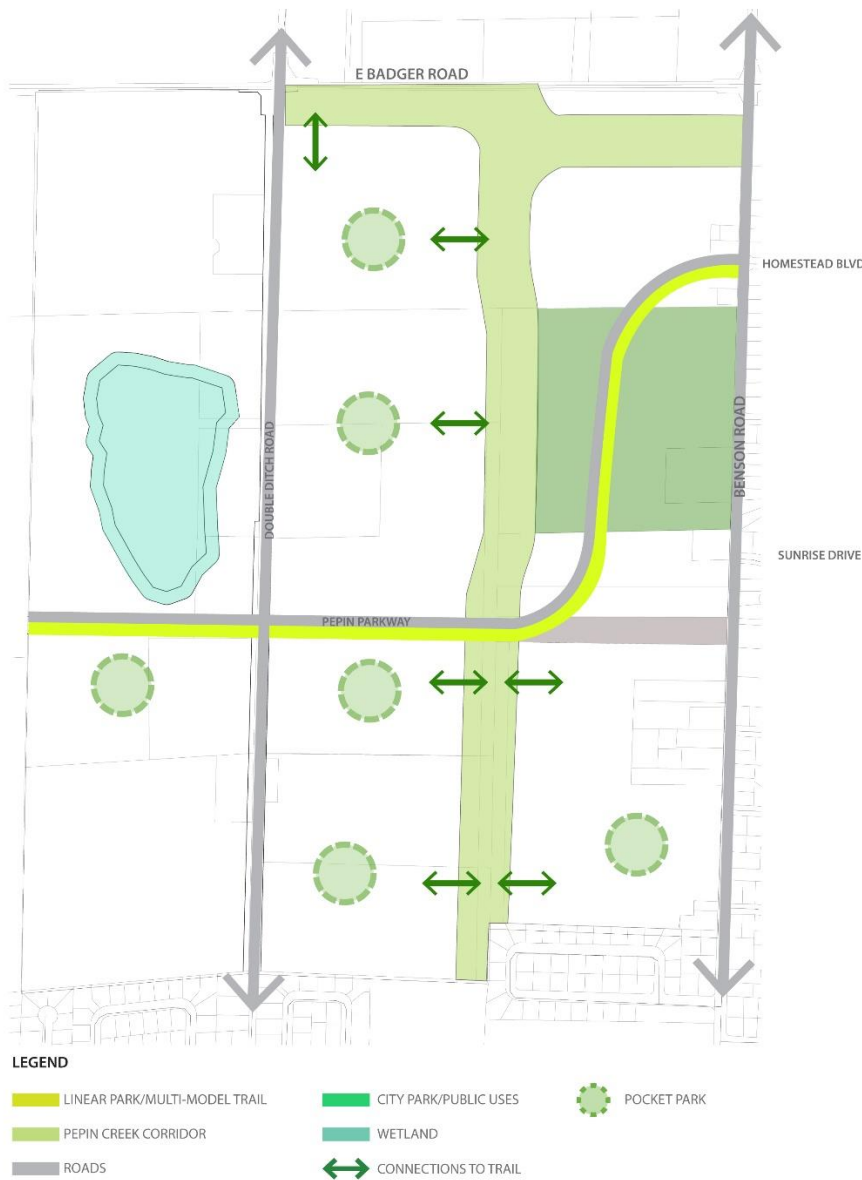


Source: Herrera and Communita, 2019.

OPEN SPACE

Open space in the PCSA includes a diversity of parks and an interconnected trail system to meet a wide variety of recreational needs and encourage healthy activity. This framework of parks, open spaces, and trails is shown in [Exhibit 12](#). Parks facilities range from a large city park to smaller pocket parks and open spaces. All parks are in close proximity to residents and connected through a network of trails and sidewalks. Parks serve several functions in the PCSA: to provide community space, to support a sense of neighborhood identity, to minimize the impacts of density, and to create a sense of place. Public streets will be located at the edges of parks and open spaces in the PCSA to help keep them feeling open and safe. Rear yards and privacy fences as borders to parks and open spaces should be avoided.

Exhibit 12. Conceptual Parks and Open Space Framework



Source: Communita, 2019.

City Park

~~In~~ ~~An~~ approximately 15-20 ~~years acre~~ ~~acre~~, a city park is planned in the PCSA on the City-owned property along Benson Road where it will be easily accessible to all Lynden residents. Two conceptual layouts are shown in ~~Exhibit 13~~ ~~Exhibit 13~~. An existing barn on the property is proposed to remain as a community gathering place and to host community events. Restoration of the barn meets one of the PCSA Guiding Principles by reflecting Lynden’s agricultural connections and history. The park will include both active uses such as sports fields, as well as passive uses such as picnic tables and trails. A trailhead will provide easy access to the trail system throughout the PCSA, which provides access for nearby residents to get to the park, and allows visitors to experience the Pepin Creek corridor. Parking could be shared with other uses on the site.

Exhibit 13. Conceptual City Park Layouts

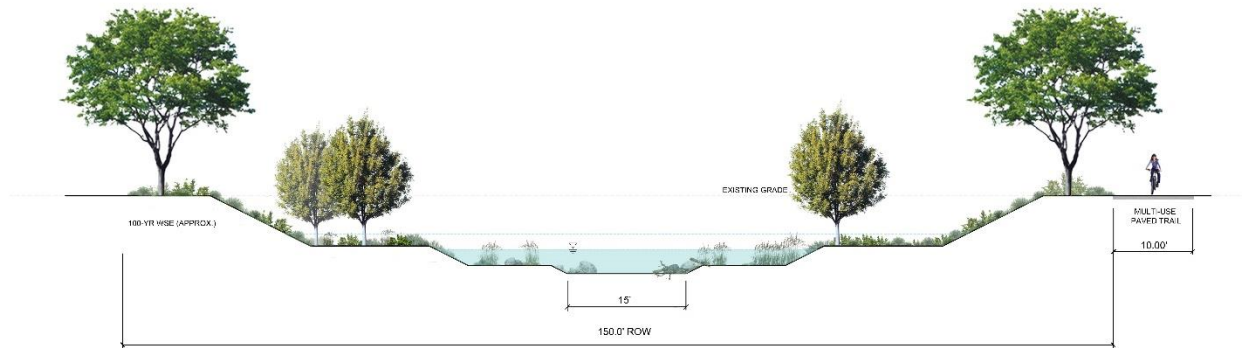


Source: Communita, 2019.

Pepin Creek Corridor

The Pepin Creek Corridor provides a linear open space through the site that connects to the city park and to the roadway network where it intersects with Pepin Parkway. This open space corridor will range from 75 feet to 150 feet wide. A multi-modal trail will sit on one side of the creek and a pedestrian trail on the other side of the creek as shown in ~~Exhibit 14~~ ~~Exhibit 14~~. Trail connections from adjacent developments will link to the Pepin Creek corridor. Restoration of Pepin Creek will provide an enhanced, more natural habitat for fish and wildlife as well as a recreational amenity for residents. It will also mitigate the impacts of local flooding by accommodating Pepin Creek during high water conditions.

Exhibit 14. Conceptual Pepin Creek Corridor Cross Section



Source: Herrera and Communita, 2018.



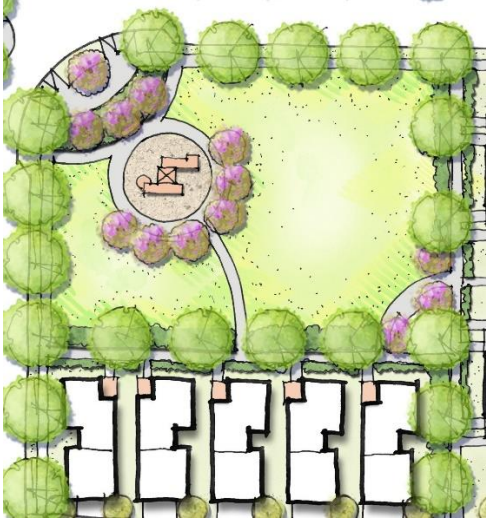
Integrated stormwater and pathway create a park-like atmosphere.

In addition to the linear park created by the realigned creek corridor, Pepin Parkway is also designed as a linear park and will provide a multi-modal trail in a park like setting on one side of the road and a sidewalk on the other side as shown in [Exhibit 8](#). Pepin Parkway provides opportunities for transportation and recreation for bikers and pedestrians. Limited intersections on Pepin Parkway will reinforce the park like atmosphere and will be used to pull the developments in the PCSA into a cohesive neighborhood. [The Parkway and the creek corridor intersect at the center of the Sub-Area.](#)

Neighborhood Parks

Neighborhood parks are encouraged in residential areas and provide active play areas for residents within a half mile walking distance. These parks may also be used passively as open space and to provide outdoor recreation space for denser housing. Larger than a pocket park, neighborhood parks are a hub for resident gatherings and provide neighborhood identity. All neighborhood parks are easily accessible from a public street and connected to the trail and sidewalk network of the community (see [Exhibit 15](#)).

Exhibit 15. Conceptual Drawing of a Neighborhood Park



Source: Communita, 2018.

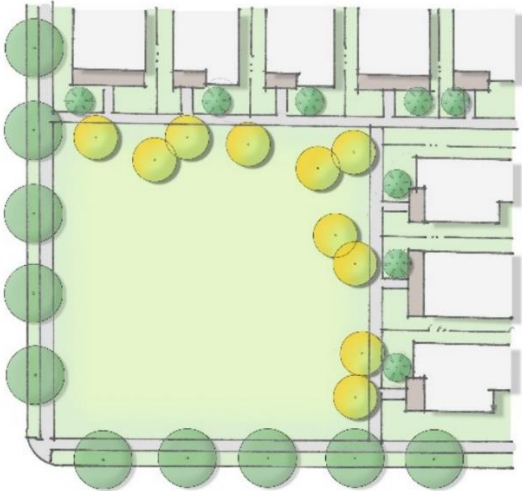


Example of a Neighborhood Park with small play structure.

Pocket Parks

Pocket parks are small parks that are less than half an acre in size and provide a community focal point for adjacent homes that front on the park and nearby homes within walking distance. Typically maintained by the surrounding homeowner's association, they are especially important in denser residential areas where adjacent residents rely on them as outdoor living spaces that serve as flexible play areas, recreational activity space, and community gathering places. Pocket parks can provide a safe place for kids to play in areas where private yard space is limited. Pocket Parks are highly visible, connected to the network of community trails and sidewalks, and accessible from a public street. They also provide access to homes that are oriented with the front doors facing the pocket park (see [Exhibit 16](#).)

Exhibit 16. Conceptual Drawing of a Pocket Park



Source: Communita, 2018



Example of homes fronting on a pocket park.

HOUSING

The Housing Element of the Comprehensive Plan presents a demographic profile of Lynden compared to Whatcom County and Washington state. Lynden's household size is 2.57 persons per household, slightly higher than Whatcom County at 2.5 and Washington state at 2.54. The Census Bureau estimates that in 2016 the population of Lynden had a median income of \$61,828, which is about 14% higher than the median income of \$54,207 for Whatcom County. Median home value in Lynden was \$287,200, slightly above that of Whatcom County at \$283,000. In Lynden, 69% of homes are owner-occupied, compared to 63% in the county and the state.¹

Compared to the other geographies Lynden has a higher median age and larger population of residents over age 65. A relatively high percentage of households, 17% are people age 65 and older who live alone, compared to under 10% in the other geographies. Census information shows that approximately one third of Lynden's population is under age 18, compared to about a quarter of the population in Whatcom County.

This demographic profile aids in understanding the type of housing that might be needed in the PCSA. Based on the age profile, housing is needed for families and older adults. Older adults may be looking to move to smaller housing units with less yard space to maintain as their children establish their own families or after the loss of a spouse. These needs may range from smaller single-family homes to cottage units to senior apartments. Families with children need housing that they can afford with ample places for children to play, whether it is in private yards or nearby parks and open space. The size and type of housing needed varies by family. Young families starting out often need smaller "starter homes" that provide entry into the housing market.

Housing affordability is also an issue for families looking to buy a home. With a median income of \$61,828, new single-family homes are out of reach for many.² People working in healthcare, retail, or as teachers make about 70% of the area median income, or about \$43,000. The purchase of a new single-family home requires an income of approximately \$75,000 or more, or approximately 120% of the area median income. This would likely be a home on a lot under 6,000 square feet for entry level buyers, which could include a smaller single-family home, a townhome, a cottage, or other more compact housing type. Providing a range of unit types provides alternatives for homeownership at a variety of price points in the market.

COMMUNITY CHARACTER

The PCSA will become a new neighborhood designed to preserve essential elements of Lynden's character, including its connection to its agricultural roots, its small-town atmosphere, and its community spirit. The network of parks, trails, open spaces, streets and sidewalks work together to create a community feeling. Homes with porches and stoops facing this network encourage community interaction.

¹ See the Lynden Comprehensive Plan Housing Element, Table 1 for the comparison between Lynden, Whatcom County, and Washington state. Census information comparing Lynden and Whatcom County can be found at:

<https://www.census.gov/quickfacts/fact/table/whatcomcountywashington,lyndencitywashington/PST045217>.

² Housing affordability was analyzed by looking at both a 5% and 10% down mortgage and looking at the cost of new single-family home comparables in Homestead.

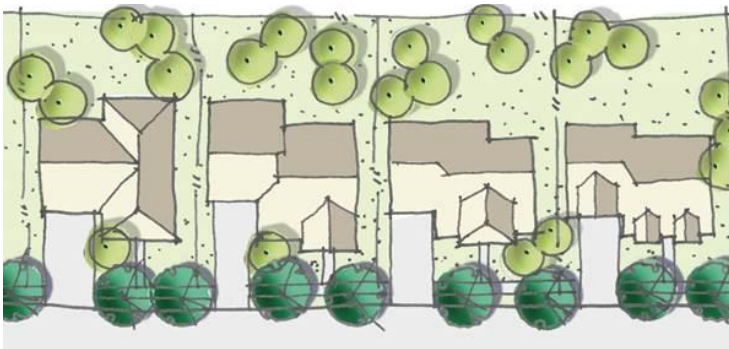
Ample gathering spaces help a community thrive by giving places for formal and informal get togethers. The availability of recreational amenities encourages healthy lifestyles and makes it easy for people to get around the subarea to visit with neighbors and participate in civic life. Lynden also strives to provide housing for family members in all stages of life. The planned land use and zoning in the PCSA hopes to achieve these goals by allowing a variety of home types to be built in the subarea such as: large single-family lots, small lots, attached homes, cottages, and senior housing.

The Design Standards created for residential areas of the city help guide the new community in preserving Lynden’s community character and reflect its heritage as a small, agricultural town. This is accomplished through guidance on site planning and layout, architectural design, and landscaping. Standards help avoid a monotonous neighborhood by requiring quality materials and a variety of architectural styles. Required parks and open spaces in the medium density areas maintain an uncrowded feeling of a small town and are particularly important in areas of higher density. The necessary elements of design for each of the housing types are shown below.

Standard Lots

Standard lots are allowed throughout the PCSA. This housing type primarily serves established families and professionals. The lots are larger ranging in size from 7,200-12,000 square feet. The homes are also larger ranging from 3,000-4,200 square feet. All standard lots are detached homes and will reflect the character of existing Lynden homes. These lots have larger yards for children and pets. The design of the homes will meet the community needs and the design of the neighborhoods and homes will be controlled by the City’s Residential Design Standards. The City’s Residential Design Standards require that the homes have obvious front entries, garage doors that are less than 50% of the façade of the home, and not more than 12 feet forward of the living space. These standards help create a pedestrian friendly streetscape. The site plan in [Exhibit 17](#) shows how standard lots may be laid out on a site. The architectural design shall be a variety of styles and have an illuminated front porch or stoop.

Exhibit 17. Conceptual Standard Lot Site Plan



Source: Communita, 2018.



Standard, or “large lot” single-family home.

Small Lots

The small lots serve the market needs of first-time homebuyers, young professionals, and young families and are allowed throughout the PCSA. Homes in this category are detached and sit on lots ranging from 4,000-7,200 square feet. These are typically 3-4 bedrooms homes between 2,000-3,000 square feet. Smaller lots can work well with front or alley access. Each home has a back yard for children and pets and a front porch that faces the street or a common open space. Homes with alley access can be situated on a park or open space, providing extra amenity, as shown in [Exhibit 18](#). Design standards emphasize variations in materials and styles to prevent a monotonous appearance. The front porch of each home could also face a landscaped street or pocket park as shown in [Exhibit 18](#) and [Exhibit 19](#).



Small-lot single family home.

Exhibit 18. Conceptual Small Lot Site Plan with Alley Access



Source: Communita, 2018.



Above: Small-lot single-family home with alley access that fronts on a park.

Below: Small-lot single-family home with front access.

Exhibit 19. Conceptual Small Lot Site Plan with Front Access



Source: Communita, 2018.



Cottages

Cottages meet the market needs of active seniors, first time homebuyers, professional couples and empty nesters. These homes may be attached or detached, are typically clustered around pocket parks, and would be allowed in medium density areas. Each home has a smaller private open space but will share a common open space with the other homes in the neighborhood. Cottage residents do not need to maintain a larger yard. The City's Residential Design Standards and Zoning Code will control how much common open space is required and the location of it. The minimum lot size of a detached cottage is 4,000 square feet. The minimum lot size of an attached cottage is 3,000 square feet. Cottage homes can be accessed from an alley, shared auto court, or a street. The homes will be 1,400-2,400 square feet with 2-3 bedrooms. All homes have a front porch or stoop facing the street or a pocket park to encourage social interaction. The City Residential Design Standards will provide guidance on the design of the homes and require high quality materials and provide variety of architectural character (see [Exhibit 20](#) for a conceptual plan).

Exhibit 20. Conceptual Cottage Site Plan



Source: Communita, 2019.

Attached Cluster Homes

Cluster homes are a style of single-family home that are attached at the garage or in the rear of the lot for efficient site planning (see [Exhibit 21](#)). This efficiency lowers the cost of the home. Attached cluster housing meets the market needs of empty nesters, professional couples, and households that are downsizing. Each of the cluster homes are located on their own lots and can be as small as 3,000 square

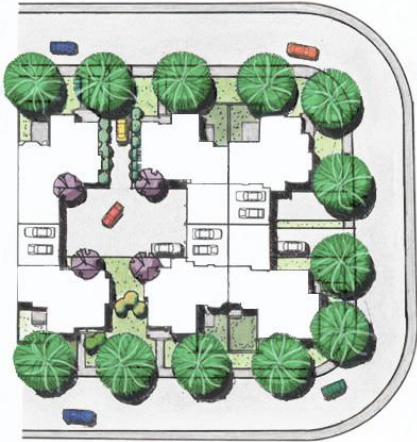


Cottage housing fronting on a street.



feet. There is a small private yard on each lot. The Zoning Code and the City's Residential Design Standards will require a common open space. The homes will be 2-3 bedrooms and range from 1,600-2,400 square feet. High quality architectural design will be controlled by the City's Residential Design Standards which includes standards that require a variety of architectural styles and materials. Attached cluster homes would be allowed in RM-PC zone.

Exhibit 21. Conceptual Attached Cluster Home Site Plan



Source: Communita, 2018.

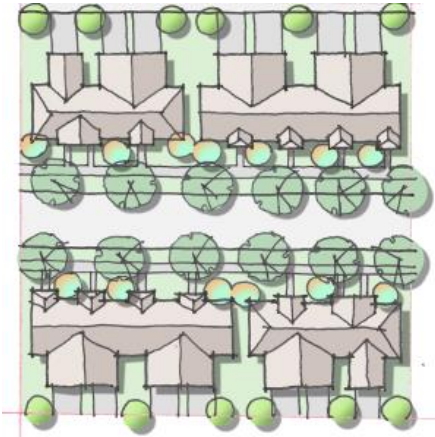


Attached single-family home clusters.

Townhomes

Townhomes are attached single-family homes that serve the market for first time homebuyers, young professionals, and young families. Each townhome is on its own fee simple lot, meaning that the owners have complete ownership of the land and the home, but are subject to a maintenance agreement or association covenants. Lots will range from 1,600-2,100 square feet and each will have a small private courtyard or small yard in addition to shared common open space. Whether townhomes take their access from the alley or the front, each unit will have a front porch or stoop facing a common open space or the street (see [Exhibit 22](#)). The City's Residential Design Standards and Zoning require that common open space be provided. The townhomes will be 2-3 bedrooms and range in size from 1,200-2,000 square feet. The City's Residential Design Standards provide for variety in the elevations, materials, colors, and styles to prevent a monotonous appearance and create a high-quality streetscape. Townhomes would be allowed in medium density areas.

Exhibit 22. Conceptual Site Plan - Townhomes Built with Pocket Parks



Source: Communita, 2019

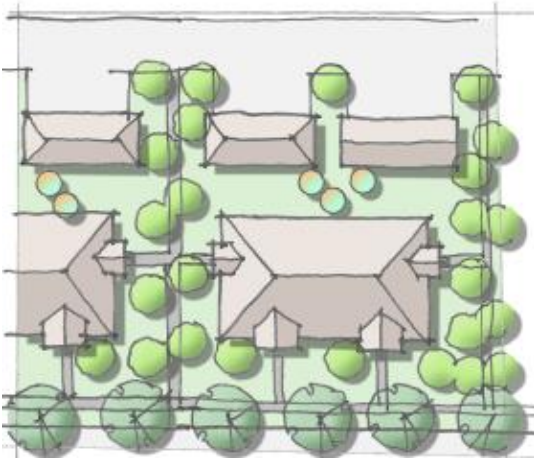


Townhomes with garages on an alley.

Multi-family Housing

Multi-family housing is allowed in the PCSA in the RM-PC and the RM-3 zones and will serve the rental market. This housing will include a maximum of 12 units in small multi-family buildings. Developments will reflect the character of the surrounding neighborhood, while providing housing for a variety of residents. Units will range from studio units up to three-bedroom units and approximately 500-1,400 square feet. Common open space will be integrated into each site as well as private open space for each unit. Parking shall be located behind or to the side with main entries facing the street or common open spaces and create a pedestrian friendly streetscape. The City's Residential Design Standards require variations in materials and modulation of the building which helps integrate the larger building into the surrounding neighborhood.

Exhibit 23. Conceptual Site Plan - Multi-family Housing



Source: Communita, 2019.



Multi-family Housing.

Goals and Policies

LAND USE AND HOUSING

PC-1: New growth in the PCSA supports the character, development pattern, and densities in and around Lynden.

PC 1.1 Accommodate most of Lynden's 20-year growth projection in the Pepin Creek Subarea to use land efficiently and avoid future conversion of designated agricultural lands to urban residential uses.

PC 1.2 Plan development in the PCSA at an overall net density of at least seven units per acre to allow continued low density residential development in the rest of Lynden.

PC 1.3 Develop moderate density housing near public parks and open spaces to give a feeling of openness.

PC-2: The housing choices in the PCSA meet the needs of people in different stages of life.

PC 2.1 Allow a variety of lot sizes for single-family housing to accommodate families with different needs and preferences.

PC 2.2 Encourage a variety of unit types at moderate densities to provide housing that meets the needs of younger adults, older adults, singles, and couples.

PC 2.3 Provide opportunities for assisted living in the PCSA.

PC 2.4 Provide opportunities for homeownership by supporting housing that is affordable to households at a variety of incomes and with a variety of needs.

PC-3: Land use in the PCSA is compatible with adjacent uses.

PC 3.1 Ensure land use compatibility by applying a transition area to the Residential Medium Density district where it is adjacent to a Low Density Residential district.

PC 3.2 Allow for neighborhood commercial uses where Pepin Parkway intersects Benson Road.

PC 3.3 Recognize the Lynden Municipal Airport as an essential public facility by requiring new development to sign a covenant acknowledging noise and other potential impacts related to normal airport operations.

ENVIRONMENT

PC-4: The Pepin Creek realignment reduces flooding, improves habitat, and serves as a community amenity for the residents of Lynden.

PC 4.1 Provide fish and wildlife habitat within the Pepin Creek corridor.

PC 4.2 Increase drainage functionality and reduce flooding in the subarea.

PC 4.3 Serve as a recreational amenity by including a trail.

PC-5: Environmental stewardship is integrated into the landscape of the PCSA.

PC 5.1 Protect wetlands in accordance with the City's critical area regulations.

PC 5.2 Identify opportunities to enhance wetlands as part of the environmental restoration of the PCSA.

PC 5.3 Require natural stormwater management that is integrated with or mimics natural systems.

PC 5.4 Regulate development design and location in the Flood Hazard Mitigation Overlay to prevent cumulative negative impacts to the surrounding community and avoid flooding of residential neighborhoods, life safety issues associated with road closures, and significant property damage.

CIRCULATION

PC-6: The PCSA connects seamlessly with motorized and non-motorized transportation networks.

PC 6.1 Apply a hierarchy of streets that safely accommodate cars, bicycles, and pedestrians at each level.

PC 6.2 Encourage streets with the least amount of paved area for their class and function to help calm traffic, lower construction and maintenance costs, and provide environmental benefits.

PC 6.3 Efficiently address motorized circulation by ensuring that the road network is well connected to downtown Lynden.

PC 6.4 Plan for future roadway connections on arterial and collector roads to ensure the completion of an efficient and effective road network.

PC 6.5 Develop a network of multi-use trails, sidewalks, and bike lanes to ensure that people can travel safely by foot and by bicycle.

PC 6.6 Ensure that individual developments within the PCSA are linked by roadways and multi-use trails. Require developments to provide street and trail extensions and frontage improvements to be designed consistent with Subarea Plan cross sections and city standards.

PC 6.7 Accommodate changes to the runway and taxi area at Lynden Municipal Airport with improvements to Benson Road.

OPEN SPACE

PC-7: All developments in the PCSA are connected to a network of open spaces.

PC 7.1 Utilize the Pepin Creek corridor as a recreational amenity.

PC 7.2 Ensure that all housing units have easy access to open space whether the space is a private yard; shared park, courtyard, or green space; or public park or open space.

PC 7.3 Require development to provide plentiful green space to give a feeling of openness.

PC 7.4 Ensure safe and healthy places for children to play in all residential developments.

COMMUNITY CHARACTER

PC-8: The PCSA maintains Lynden's small-town character and feeling of community.

PC 8.1 Design residential areas to welcome community interaction by providing porches, stoops, and other semi-private space along landscaped street frontages.

PC 8.2 Scale single-family housing in proportion to its lot to avoid a feeling of overcrowding.

PC 8.3 Apply size restrictions to moderate density housing to ensure it is developed at a scale that feels consistent with small-town character.

PC 8.4 Apply design standards that encourage housing that looks distinctive and attractive and avoids the repetition of housing forms that give a mass-produced look.

PUBLIC FACILITIES AND INFRASTRUCTURE

PC-9: The PCSA is efficiently served by public services and infrastructure.

PC 9.1 Require development to pay its fair share of costs toward infrastructure and public services.

PC 9.2 Ensure that costs to the City associated with the development of the PCSA and the Pepin Creek Corridor are recovered by the City over a reasonable time.

PC 9.3 Balance the timing and scale of public investment with private investments to ensure that the PCSA is a feasible opportunity for new development.

PC 9.4 Update City Water, Sewer, & Stormwater comprehensive plans to include the PCSA and ensure that primary public infrastructure is well planned and can be built incrementally if needed.

Implementation

ZONING

Zoning in the Pepin Creek Subarea is established to produce an average of approximately seven dwelling units per acre using a variety of housing types to meet the needs of families throughout their life.

[Exhibit 24](#) shows the zoning classifications for the Pepin Creek Subarea. Uses are primarily residential with allowances for related and compatible uses such as schools, parks, daycares, churches, and limited neighborhood-serving commercial development in the Commercial Overlay areas. Design standards are applied to create a safe, attractive community, with a high quality of life.

Residential Single Family – 72 (RS-72) Zone

The RS-72 zone is the lowest density zone in the Pepin Creek Subarea, allowing 2-4 units per acre and requiring a minimum lot size of 7,200 square feet. This allows for large lot single-family housing and can be found throughout the city. In the Pepin Creek Subarea, the RS-72 is subject to the City’s Residential Design Standards.

Residential Medium Density (RMD) Zone

The RMD zone allows for low density housing at densities of up to 4-8 units per acre. A minimum lot size of 6,000 square feet is permitted for detached homes and 4,000 square feet per unit for attached homes are permitted. This zone is used elsewhere within the city and promotes a creative mix of single-family and duplex housing types. Development in this zone is subject to the City’s Residential Design Standards.

Residential Medium Density – Pepin Creek (RM-PC) Zone

At densities up to 8-12 units per acre, the RM-PC zone allows a variety of housing types, some of which are unique to the Pepin Creek Subarea. The RM-PC allows small lot single-family homes and cottages, with a minimum lot size of 4,000 square feet for detached units. It also allows single-family attached units such as townhouses, duplexes, units attached at the garage, or other housing types with fee-simple ownership and small multi-family buildings. Single-family attached homes are units located on their own lot, which is a minimum of 3,000 square feet. Where the RM-PC zone is adjacent to single-family zoning a transition area will be established to limit height and limit uses to single-family residences.

Residential Medium Density – Three (RM-3) Zone

The RM-3 zone allows for medium density residential development with a variety of housing types up to 16 dwelling units per acre. This zone sets a minimum lot size of 7,200 square feet and allows, with appropriate square footage, up to 12 units per building. This zone is located near park and trail features which will offer a feeling of openness and provide access to those amenities.



Public Use Zone

The Public Use zone is a citywide zone in Lynden that provides for civic amenities and uses. In the PCSA, the Public Use zone is applied to City-owned property that will be used for a park and potentially another civic use, such as a school. The Public Use zone follows the uses and standards of its zone, not those created especially for the Pepin Creek Subarea. The airport safety area is publicly owned in part and regulatory in part and addressed in overlays below.

Zoning Overlays

There are three zoning overlays present in the Pepin Creek Subarea. Every zoning overlay has an underlying zoning designation that establishes the base uses and standards that are in place. The overlay adds additional standards or bonuses that are applied as well.

Neighborhood Commercial Overlay

Although future land use in the PCSA is mostly residential, the Neighborhood Commercial Overlay provides opportunities for commercial development at the intersection of Pepin Parkway and Benson Road. If there is a market for small, neighborhood-scale commercial development such as a convenience store or coffee shop, the commercial overlay shows where it could be allowed. Neighborhood commercial allows residents to avoid a trip into town for some basic goods and services, which is convenient for residents and prevents road congestion. If the market does not support commercial development in the Pepin Creek Subarea, the area with the Neighborhood Commercial Overlay can be developed according to the underlying residential land use.

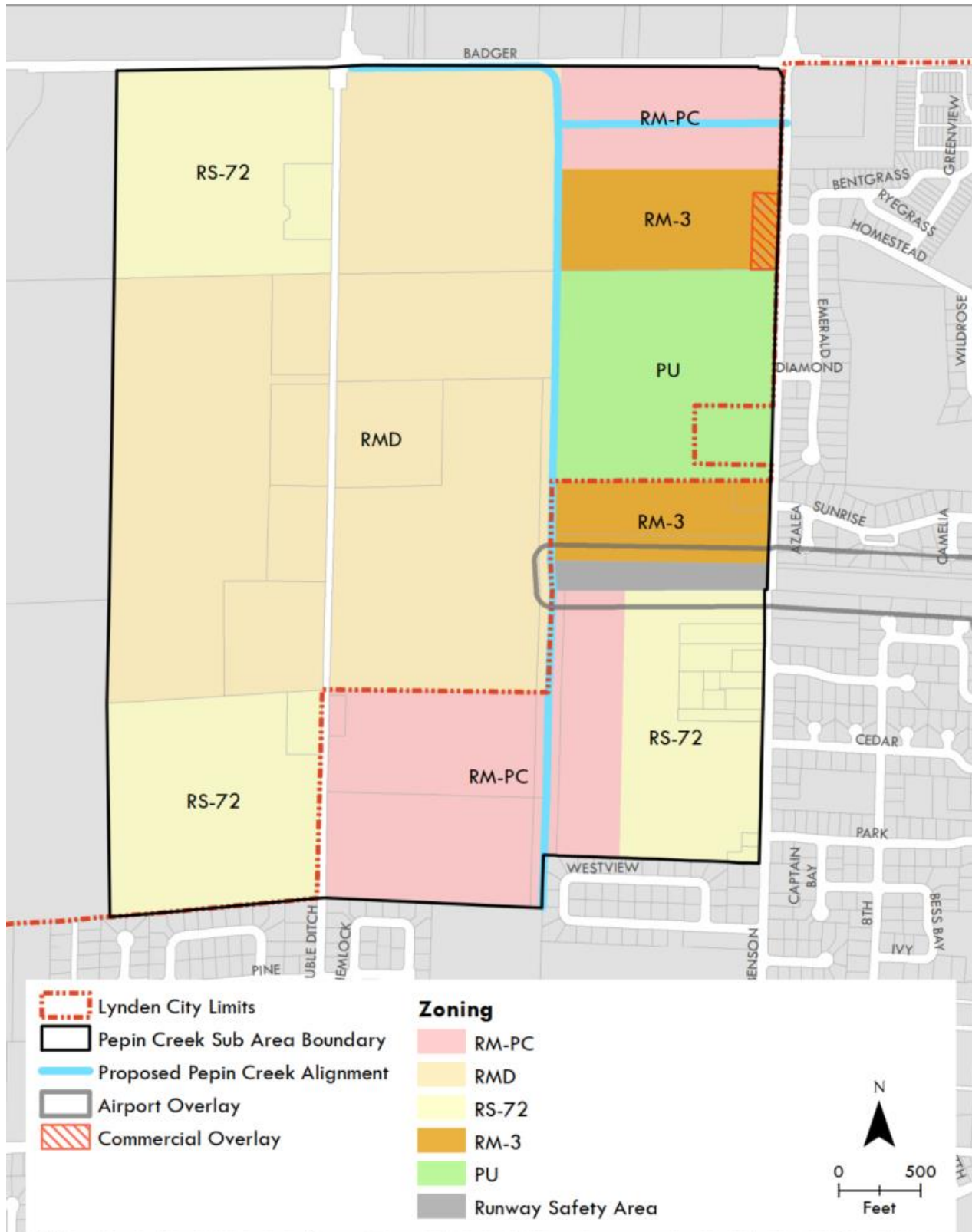
Airport Overlay

The Airport Overlay is a special designation on property located adjacent to the airport. The runway and primary facilities of the airport are just outside the PCSA boundary, but the PCSA includes part of the runway safety area. The primary purpose of the Airport Overlay is to prevent airway obstructions and ensure the safety of both airfield users and nearby property owners. The Airport Overlay also allows a few airport-related uses, such as airplane hangars, which are not allowed elsewhere in the underlying zone.

Flood Hazard Mitigation Overlay

The Flood Hazard Mitigation Overlay includes the entire PCSA. It primarily recognizes the hazards associated with surface flow flooding, ground water, drainage, and downstream constraints within the subarea. It also recognizes that development in the subarea must be designed and mitigated to prevent cumulative negative impacts to the surrounding community and that development without proper mitigation could result in the flooding of residential neighborhoods, life safety issues associated with road closures, and significant property damage. Additional information about existing flood hazard conditions and flood hazard mitigation can be found in Appendix E. Subsequent study will be needed to further define mitigation strategies and will be conducted along with the finalization of the channel realignment design.

Exhibit 24. Zoning in the Pepin Creek Subarea



Source: BERK, 2019.

Land Capacity Analysis

The zoning is designed to meet the growth targets established for the City of Lynden and the PCSA at full buildout. This was determined by looking at the theoretical minimum and maximum development potential and identifying two midpoints that are more likely to represent future development. The theoretical limits apply the minimum and maximum densities allowed under the zoning to the developable acreage resulting in 0 to 2,489 units as the minimum and maximum range for development. In practice, development typically occurs somewhere in the middle. The Analysis midpoint of 1,363 is the average of the theoretical minimum and theoretical maximum. The analytical maximum presents a higher limit of 1,874 is set at a development level of 75% of the theoretical maximum for the zoning. For planning and analysis purposes, the range of 1,363 to 1,874 units was used to estimate likely development in the PCSA (see [Exhibit 25](#) ~~Exhibit-25~~).

Exhibit 25. Land Capacity Ranges in the Pepin Creek Subarea

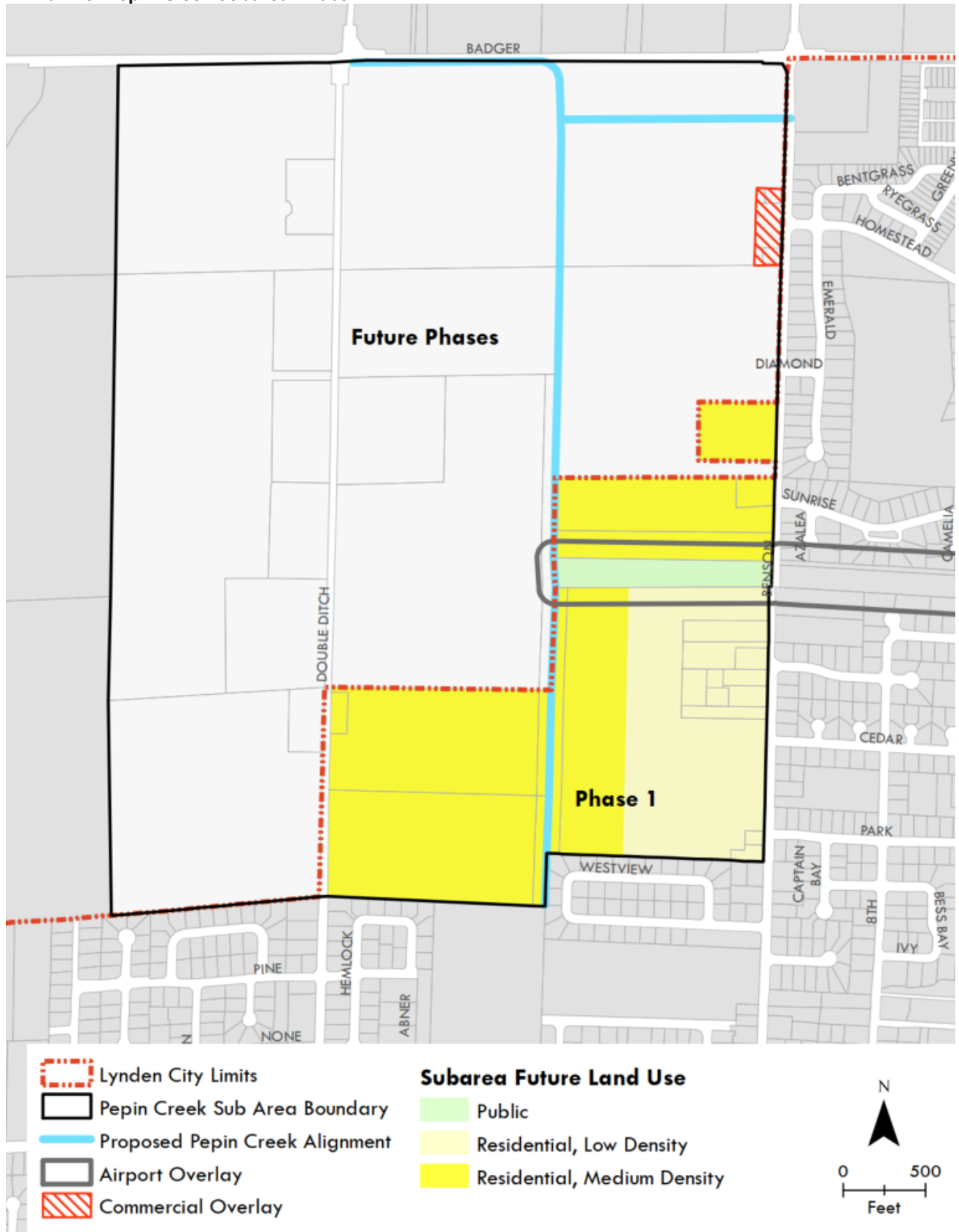
Zone/Overlay	Theoretical Minimum	Theoretical Maximum	Analysis Midpoint	Analysis Maximum
TOTAL units	0	2,489	1,363	1,874
Commercial Overlay Assumption	Commercial use in the overlay.	Residential use in the overlay.	Commercial use in the overlay.	Commercial use in the overlay.

PHASING

Only about 20% of the PCSA is currently within city limits; the majority is part of Lynden's UGA. Until the land within the UGA is annexed it will be subject to Whatcom County's adopted land use and zoning, which classifies this land for agricultural use. Subarea Plan implementation will occur within city limits during its first phase, as shown in [Exhibit 26](#) ~~Exhibit-26~~.

Ideally Pepin Creek Subarea plan phasing will match the progress of the Pepin Creek Realignment Project. An initial phase, known as the intercept ditch, was constructed in 2018 and extended at the end of 2019. The intercept ditch functions as a flood protection measure for existing infrastructure and housing developments by interrupting overland flow of flood waters. The design of the realignment project will be subject to additional environmental review, anticipated in early 2020. Once a specific design is selected the first phase could begin as soon as 2022 in association with planned culvert improvements along Badger Road by the Washington State Department of Transportation. However, this timeline does not account for any significant delays that may be encountered during the design, financing, or construction of these improvements. Phase 1 subarea development will likely occur ahead or in tandem with the development of the first parts of the channel if financial participation in the channel realignment project can be assured.

Exhibit 26. Pepin Creek Subarea Phase 1



Source: BERK, 2019.

Development that gets ahead of the realignment project will need to accommodate space for the future development on the Pepin Creek channel and meet buffer requirements and setbacks from the existing Pepin Creek channel in Benson Road and Double Ditch Road. Until the Pepin Creek Realignment project is completed, the channels on Benson and Double Ditch are unavailable for integration into low impact development stormwater systems. These inefficiencies may limit the development potential of lands that redevelop prior to the completion of the Pepin Creek realignment and are more likely to affect Phase 1 development.

Phase 2 likely occurs when the UGA is annexed and services are extended. Earlier development may occur in the Southwest and Northeast portions of the UGA where road infrastructure is present and proposed for improvement and funding with application of impact fees, e.g. Benson Road and Main Street.

Phase 3 is likely to include areas to the West and Northwest that are currently being farmed, have had recent investments in agricultural production, or where there are more constraints like the wetland/pond. There may be a greater willingness to monitor the Pepin Creek realignment progress, as well as the timing of new or improved roads in these areas, while continuing current agricultural activities.

Annexation of the UGA should consider the ability to implement the PCSA plan. The City has more control over the timing of development in the UGA because it can control annexation in future phases. Annexation and development that occurs prior to realignment of the channel should have a plan for addressing potential development inefficiencies with creative site planning or project phasing.

CAPITAL FACILITIES PLAN

Development on the PCSA will require substantial investments in infrastructure and capital facilities. ~~Exhibit 27~~ ~~Exhibit 27~~ shows the total costs, by category, of the improvements needed to allow for development in the subarea. It is important to note that these are point-in-time costs that assume this project is completed all at one time, in 2019 dollars. As the work on the infrastructure is phased and completed, cost estimates will need to be updated to reflect inflation and the carrying costs based on the phasing.

The majority of capital facilities expected in the PCSA are related to new development. New development is expected to provide for these capital facilities through direct infrastructure construction and the payment of related fees and charges. The development of new capital facilities and infrastructure will be guided by City of Lynden plans, policies, and regulations as shown in the sections below.

Transportation

The City of Lynden maintains a Transportation Improvement Plan (TIP) that lists local transportation projects. Each year an updated TIP is submitted to the Whatcom Council of Governments and the Washington State Department of Transportation (WSDOT) to ensure that projects eligible for federal and state funding can compete for funds. Projects listed on the TIP include motorized, non-motorized improvements, on-going maintenance projects, and projects to served new growth. In the most recent TIP (2019-2024) three projects appear on the list for the PCSA. These projects include:

- Pepin Creek – bridges, multi-modal trail, and changes to roads and road drainage associated with the realignment of Pepin Creek.

- Benson Road – safety and capacity improvements.
- SR 546 Intersection with City Arterials – capacity improvements that will be led by WSDOT.

In addition to the TIP, the Comprehensive Plan lists additional projects that will be needed to meet the needs of growth by 2036. These include the extension of safe bicycle connections from Homestead Boulevard and the creation of a multi-modal network of trails, pathways, and sidewalks in the PCSA.

Some of the transportation facilities needed in the PCSA will be constructed by the developer. Title 12 of the Lynden Municipal Code (LMC) specifies the standards and minimum requirements for the construction of streets and sidewalks. It specifically adopts the WSDOT manual for application, design, and construction of improvements. It also applies City of Lynden Engineering Design and Development Standards in LMC 13.24 and Titles 16-19 and the Washington Department of Ecology stormwater manual. The City of Lynden intends to use its established traffic impact fees in place at the time of application as the mechanism to collect a fair share from development for the construction of the regional arterial streets. More information is available in the finance section of this plan.

Stormwater

The City of Lynden operates its Municipal Separate Stormwater System under a National Pollutant Discharge and Elimination System Phase II permit. Stormwater management is regulated through Chapter 13.24 of the LMC (Lynden Municipal Code). This code section sets forth the minimum requirements for new development and redevelopment, including the use of the 2014 Stormwater Management Manual for Western Washington by the Washington State Department of Ecology. The City operates its Municipal Separate Stormwater System as a stormwater utility.

The City's Stormwater Comprehensive Plan is currently being updated and has not been issued. This subarea was the subject of a 2009 amendment to the current 1992 Stormwater comprehensive plan which described the need for what became the Pepin Creek realignment project (Reichart & Ebe, 2009).

Pepin Parkway is planned to have a continuous open vegetated channel between the proposed roadway and the proposed multi-use trail. This area is sized to provide water quality treatment and detention flow control storage for the public roadway. There are no other planned stormwater facilities and it is assumed that each development project would provide meet its own stormwater management within the project per the current City of Lynden Code.

Exhibit 27. Improvements Needed to Support Development in the PCSA

	Total Cost	Existing Developer Commitment	Existing Public Commitment		Unaccounted Funds
			General City Funds	Grants	
Regional Road Improvements	\$15,826,000	\$2,877,293	\$12,948,707		\$0
Road Improvements (planned)	\$11,607,000	\$2,877,293	\$8,729,707		\$0
Road Improvements (additional)*	\$4,219,000		\$4,219,000		\$0
Local Roads (Developer Constructed)	\$9,251,000	\$9,251,000			\$0
Roads & Bridges	\$4,900,000				\$4,900,000
Pepin Parkway	\$3,400,000				\$3,400,000
Pepin Parkway Bridge	\$1,500,000				\$1,500,000
Water/Sewer Improvements	\$17,645,000	\$17,645,000			\$0
Water Improvements	\$5,299,000	\$5,299,000			\$0
Sewer Improvements	\$12,346,000	\$12,346,000			\$0
Stormwater Improvements (onsite)	\$5,452,000	\$5,452,000			\$0
Wetland Mitigation	\$600,000				\$600,000
Creek Realignment and Downstream	\$43,983,000			\$3,900,000	\$40,083,000
Utility Connection Fees (Water/Sewer/Storm)		\$16,875,303			\$0
TOTAL	\$97,657,000	\$52,100,596	\$12,948,707	\$3,900,000	\$45,583,000
	\$97,683,596				
DEVELOPER CONTRIBUTION ASSUMING EXISTING CITY COMMITMENTS					

Source: City of Lynden, 2019; Herrera, 2019; and BERK Consulting, 2019.

Water

The City of Lynden owns and operates a municipal water system that serves retail customers within the city limits and the UGA and provides wholesale supply to several adjacent water associations. An existing 12 inch City of Lynden water main runs along the eastern boundary of the PCSA in Benson Road, and the existing developments within the existing city limits portion of the PCSA are served by City water mains. However, the interior of the PCSA currently in agricultural use is not served by public water mains. These agricultural uses appear to be served by six wells located within the PCSA.

The City of Lynden's Water System Plan (Gray & Osborne, 2009) projects growth in the city overall but does not address the growth of the PCSA specifically; in the next Water System Plan Update, the PCSA should be addressed. The Water System Plan identifies one CIP in Benson Road to upgrade 660 linear feet of 4 inch pipe with 12 inch pipe. To meet the projected demand, it will be necessary to run a new primary water main loop from Main Street Up Double Ditch to Badger Road and then east on Badger Road to Benson Road. Other smaller water mains would be extended into the PCSA as part of land development projects. This new 9,250 linear feet primary loop is assumed to be 12 inch diameter, however, the design of this loop needs to be verified by modelling.

Wastewater

The City owns, operates, and manages wastewater collection and treatment facilities serving 2,879 acres. The City of Lynden General Sewer Plan Update (BHC, 2016) estimates the City of Lynden's population will grow to 19,000 people by 2036 and expand to serve total of 4,204 acres. The sewer plan does not provide specific plans for serving the PCSA, which is identified as sewer basins "F" and "UGA" in the plan. The plan anticipates that these basins will be upgraded by developer extensions. The existing sewer collection system was modelled at the 20-year planning horizon and three gravity sewer deficiencies were identified. There were no pump station or force main deficiencies identified.

To serve the proposed development in the PCSA a new network of new gravity sewers, pump stations, and force mains will be necessary to collect and convey wastewater from the PCSA to the existing sanitary sewer collection network. The northern edge of the PCSA at Benson Road is approximately 10 feet higher than the southern boundary of the PCSA. It is expected that the northern portion of the PCSA will be filled to facilitate the development; and that one large or several smaller new sanitary sewer pump stations located in the mid to southern portion of the PCSA will be necessary to provide wastewater collection. A new gravity sewer within the PCSA will convey wastewater to the new pump station(s) and discharge via force main(s) to the existing sanitary sewer collection system.

The 20-year full buildout of the PCSA is expected to include about 1,373 units maximum of 1,874 units corresponding to a population of 3,831 to 5,228 residents. Per the sewer plan, the residential wastewater production rate in Lynden for residential is 45 gallons per day per capita. Therefore, the expected wastewater flows range from 172,395 to 235,260 gallons per day. This results in a required total pump station capacity of to 400 to 600 gpm (gallons per minute) in one or more pump stations.

FINANCE

At this time, the City of Lynden assumes that the infrastructure investments needed to make the overall Pepin Creek Subarea developable (excluding the cost of utility hookups at the parcel-level) will be \$97,657,000, as shown in ~~Exhibit 27~~ [Exhibit 27](#). Of these infrastructure costs, the City has committed to paying \$16,848,707. For development to be feasible, the City asserts that developers will be responsible for the remaining cost of all improvements needed to support development of the subarea.

The future subarea developer(s) are already committed to paying for \$35,225,293 of these costs as they will make the improvements (including regional road improvements, construction of local roads and Pepin Parkway, and water, sewer, and stormwater improvements) directly. They are also committed to paying utility connection fees for water, sewer, and stormwater, for a total existing commitment of \$52,100,596.

We completed a financial feasibility analysis, provided in full in Appendix D for two scenarios:

- **Threshold Feasibility.** Developers can buy the land and pay their existing commitments, for a total cost of between \$74,096,000 and \$76,540,000.
- **Full Feasibility.** Developers can buy the land and pay the total infrastructure costs less the existing city commitment, for a total cost of between \$119,679,000 and \$122,123,000.

This analysis shows that the Pepin Creek Subarea developable land value is within the values of comparable developments. It is important to remember that the cost of the land and value of the land are not the same thing, as the former does not account for the developer's profit. For this project to be feasible the future value of the land must be within the values of comparable developments. Profit is not factored into this because developer's expectations for profit for this kind of development are not known.

Funding and Financing Tools for Subarea Development

The City has committed \$16,848,707 to this effort. \$3,900,000 of that value is grant funded, however the City will need to come up with the remaining \$12,948,707. The City may also fund and finance improvements that are the obligation of developers upfront and recover funds from developers to refund that investment later.

This plan identifies funding and financing mechanisms that can be used to generate City revenues to fund and finance the improvements, either in total or just upfront, and, where developers are responsible for costs.

Funding and Financing Mechanisms (Beyond Existing Tools) to Support Expected City Contributions and Upfront Funding of Improvements

- **Sales Tax generated on development.** Sales tax is generated from the taxable sales of goods occurring within the city's boundaries. Sales tax impacts from potential site development will be generated in two ways:
 - The initial construction of the development will generate sales tax for the full cost of supplies, material, and labor used in construction.
 - Additional residents added to the development will generate ongoing sales and use tax revenues for purchases made in the city limits.

Funding and Financing Mechanisms to Recover Funds from Development

- **State Environmental Policy Act Mitigation Fees.** SEPA grants wide-ranging authority to impose mitigating conditions relating to a project's environmental impacts. A local government's authority under SEPA to mitigate environmental impacts includes the authority to impose impact fees on a developer to pay for the mitigation of impacts on public facilities and services. In this case, the public facility or service being paid for would be the Pepin Creek downstream stabilization and creek realignment.
- **Property Owner and Developer Contributions.** In cases of large developments, the City may work with a developer to enter into a development agreement governing the development. This agreement can include obligations for the developer to pay for infrastructure necessary to support the development.
- **Local Improvement District/Utility Local Improvement District.** Local Improvement Districts (LIDs) are a financing tool used to require benefiting properties to finance needed capital improvements through the formation of special assessment districts. Special assessment districts permit improvements to be financed and paid for over time through assessments on the benefiting properties. Utility Local Improvement Districts (ULIDs) have the additional characteristic of allowing for utility revenue to be pledged to the repayment of the ULID debt in support of the issuance of bonds.

References

Airside. 2008. Lynden Municipal Airport: Airport Layout Plan and Narrative Report.

BHC Consultants, Inc. 2016. City of Lynden 2016 General Sewer Plan

Gray & Osborne, Inc. 2009. City of Lynden, WA Water System Plan

Reichhardt & Ebe Engineering, Inc. 2009. Amendment to City of Lynden Stormwater Management Plan, January 1992

WDFW. 2017a. Priority Habitats and Species Online Interactive Mapper. Accessed June 15, 2017: <http://wdfw.wa.gov/mapping/phs/>

Whatcom County. 2015. Whatcom County 2016 Comprehensive Plan and Development Regulations Update and Urban Growth Areas Review Final EIS. November 2015.

Whatcom County. 2016. Whatcom County Comprehensive Plan: Chapter 1 – Introduction. Available: <https://wa-whatcomcounty.civicplus.com/DocumentCenter/View/24081>. Accessed: July 3, 2017.

Appendix A – Existing Conditions Report

Please note that the information in the Existing Conditions Report presents the best information available at the time it was issued in October 2017. Since that time some details may have changed as additional information became known. For example, the Pepin Creek Area of Influence was modified after further study. In the few areas of inconsistency, the Subarea Plan presents the best and most up-to-date information as of the time of its issuance.

Appendix B – Council Workshop

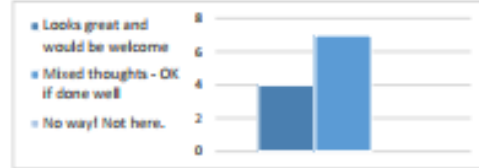
Session Name: New Session 11-30-2017 8-54 PM
 Date Created: 11/30/2017 6:48:42 PM

Active Participants: 12 of 12
 Questions: 7

Results by Question

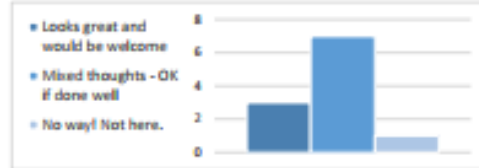
1. Small Lot Housing (Multiple Choice)

	Percent	Count
Looks great and would be welcome	36%	4
Mixed thoughts - OK if done well	64%	7
No way! Not here.	0%	0
Totals	100%	11



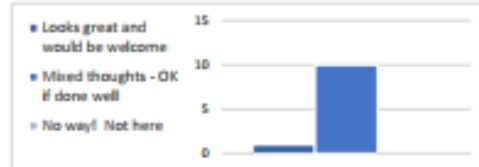
2. Detached Cottage Lots (Multiple Choice)

	Percent	Count
Looks great and would be welcome	27%	3
Mixed thoughts - OK if done well	64%	7
No way! Not here.	9%	1
Totals	100%	11



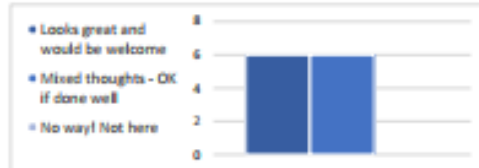
3. Townhome Lots (Multiple Choice)

	Percent	Count
Looks great and would be welcome	9%	1
Mixed thoughts - OK if done well	91%	10
No way! Not here	0%	0
Totals	100%	11



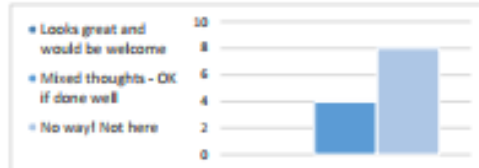
4. Attached / Clustered (Multiple Choice)

	Percent	Count
Looks great and would be welcome	50%	6
Mixed thoughts - OK if done well	50%	6
No way! Not here	0%	0
Totals	100%	12



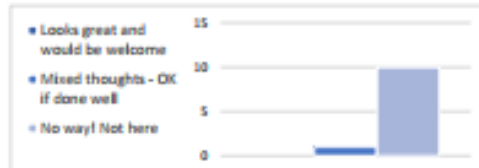
5. Mixed Housing with Density (Multiple Choice)

	Percent	Count
Looks great and would be welcome	0%	0
Mixed thoughts - OK if done well	33%	4
No way! Not here	67%	8
Totals	100%	12



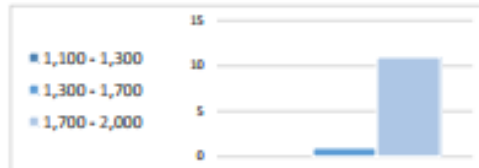
6. Stacked Units (Multiple Choice)

	Percent	Count
Looks great and would be welcome	0%	0
Mixed thoughts - OK if done well	9%	1
No way! Not here	91%	10
Totals	100%	11



7. What unit count should be our goal in Pepin Creek? (Multiple Choice)

	Percent	Count
1,100 - 1,300	0%	0
1,300 - 1,700	8%	1
1,700 - 2,000	92%	11
Totals	100%	12



Appendix C – Transportation Analysis

As identified in the Existing Conditions Report in Appendix A, there are few roads serving the study area given its low intensity and agricultural development pattern. The Lynden Comprehensive Plan anticipates the need for transportation improvements in the PCSA. The Transportation Element forecasts growth of up to 1,096 households in the Subarea, which will require roadway improvements that support cars, bicycles, and pedestrians. Lynden’s Transportation Element is focused on intersection operations though adequate road extensions and design are also considered.

The County and cities tested different growth in the PCSA to support Comprehensive Plan Updates in 2016 with results included in an [Environmental Impact Statement \(EIS\)](#). Assumptions of different plans and studies regarding future growth are noted below.

Pepin Creek Growth Assumptions – Transportation Modeling

Scenario	Households
Whatcom County Alternative 1: 2013 No Action 2016	578
Whatcom County Alternative 2: Historic Shares 2016	727
Lynden Transportation Element 2016 Whatcom County Alternative 3: Multi-Jurisdictional Resolution 2016	1,096
Whatcom County Alternative 4 Targeted Land Use Change 2016	1,433
Whatcom County Preferred Alternative 2016	927
Pepin Creek Subarea Evaluation (WCOG) 2019	1,559

Source: Whatcom County Land Capacity Analysis and Transportation Analysis Zone Assumptions, 2016; Lynden Transportation Element, 2016; WCOG, 2019.

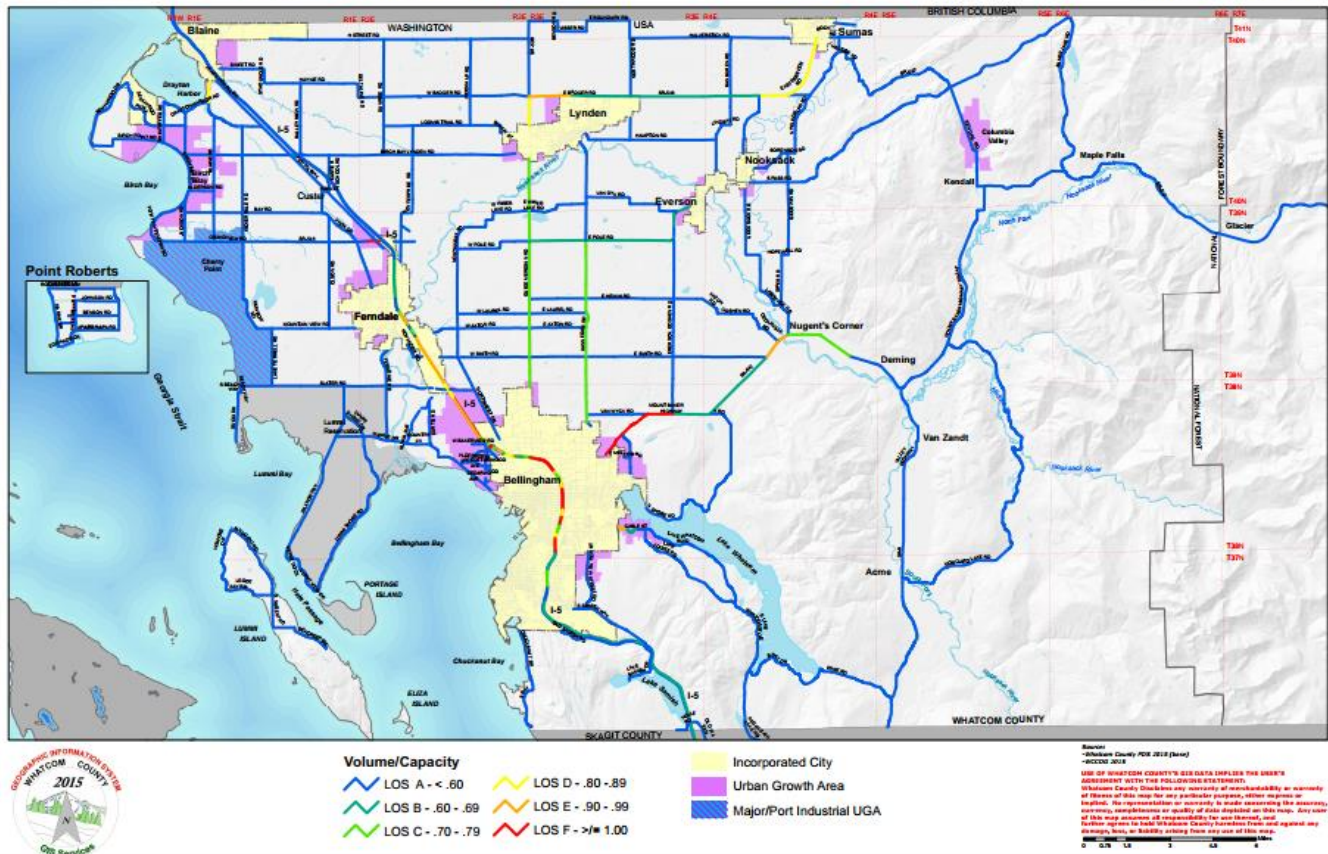
At a countywide scale, the 2016 analysis focused on the volume/capacity (V/C) ratios of roadways. To calculate the V/C of a road segment, projected weekday afternoon peak-hour traffic volume is divided by the road’s hourly carrying capacity. Roadway level of service (LOS) designations range from unrestricted flow of traffic (LOS A) to stop-and-go traffic (LOS F). At LOS C or better, a road segment is less than 80% full (or a V/C less than 0.80). The flow of traffic is generally stable, though individual users are significantly affected by the presence of other vehicles. At LOS D, the volume-to-capacity ratio is greater than or equal to 0.80 but less than 0.90. At LOS D, small increases in flow may cause some delays and decreases in speed during the afternoon peak hour. The adopted level of service is C for rural arterials and collectors, and D for rural primary routes and urban arterials.

Results of the Preferred Alternative tested in 2016 indicated roadway operations at LOS C or better except that Guide Meridian Road functioned at LOS D between the city limits and East Badger Road, and East Badger Road operated at LOS E between Guide Meridian and the city limits as shown below.

Exhibit 28. Whatcom County Transportation Analysis Map

Whatcom County | Comprehensive Plan

Map 6-5
Level of Service 2013



Additional analysis of other alternatives can be found in the [2016 Comprehensive Plan and Development Regulations Update and Urban Growth Area \(UGA\) Review EIS](#).

Recognizing the more focused subarea planning effort for the PSCA, the City of Lynden engaged the Whatcom Council of Governments (WCOG) to test greater numbers of households, evaluating about 1,969 households, or 1,042 above the Preferred Alternative evaluated in a 2016 Final Environmental Impact Statement. The households tested represent an occupancy rate of 97% of the 2,020 housing units the upper range considered in fall 2017.

The range of units and trips tested in the 2016 EIS and in 2018 for the Subarea Master Plan is listed below.

Exhibit 29. Housing Units, Households and Trips

Alternative	Housing Units	Households	Trips
Whatcom County Alternative 1 2013 No Action	594	578	75
Whatcom County Alternative 2 Historic Shares	745	727	101
Whatcom County Alternative 3 Multi-Jurisdictional Resolution (Lynden Transportation Element)	1,124	1,096	156
Whatcom County Alternative 4 Targeted Land Use Change	1,470	1,433	206
Whatcom County Preferred Alternative 2016	951	927	132
Pepin Creek Subarea Master Plan (maximum tested)	1,600	1559	224

Source: WCOG, 2019.

In addition to the regional network tested in the 2016 EIS, WCOG added the effect of additional road extensions including the development of Pepin Parkway from Homestead Blvd and extended through the subarea to Double Ditch Road at the point of the bridge anticipated to cross Pepin Creek. The connection of Double Ditch Road to Badger Road is deleted.

Most of the units were added in the northern half of the study area. The results of the 2019 analysis by the WCOG indicated general consistency with the Preferred Alternative results, and:

- Congestion relief on most of Double Ditch Road
- Congestion relief on most of Benson Road
- Slight volume increase on Benson Road between Badger Road and Homestead Blvd.
- Volume increase on Double Ditch Road between the proposed Pepin Parkway and Main Street.

Overall, the WCOG found the model showed sufficient capacity.

Appendix D – Financial Analysis

To understand whether development will be feasible under the assumption that developers will pay the remaining cost of all improvements to support development, BERK completed a development feasibility analysis to estimate the level of City investment, if any, that is needed to make development of the Pepin Creek Subarea feasible. Since development feasibility analysis is by nature speculative, it has been completed to an order-of-magnitude precision, with final values rounded to the nearest 1,000. Where per square foot values are estimated, they are rounded to the nearest 0.10.

The subarea is 460 acres of which we expect approximately 260 acres to be developable. The remaining acreage is undevelopable for two reasons:

- Infrastructure to support new development will consume a portion of the acreage.
- Some of the land is unsuitable for development for environmental reasons.

The remaining acreage still must be purchased by the developer(s), as it is either where the necessary transportation and utility infrastructure for the development will be sited or it is, realistically, to be sold part and parcel with the developable land. Additionally, this land is where the environmental improvements needed to make the subarea developable, like the Pepin Creek downstream stabilization and realignment, will occur.

This share of undevelopable land, coupled with the variation in development allowable based on a midrange land use scenario, which assumes 1,363 new housing units for the development, means that not all the land will have the same value. However, as the developer will ultimately be responsible for all the infrastructure, it is to be expected that they will need to factor the cost of all the land into their feasibility assessment. For this reason, the currently undevelopable land is valued as if it is all created equally on a square footage basis.

The total land value per the Whatcom County Assessor is \$9,775,483. The assessor's value for this property is likely to be low for two reasons:

- It is generally accepted that Whatcom County Assessor's property assessments, like all county assessments in Washington state, are conservative. Coupled with the Whatcom County Assessor's assessment, whereby 1/6th of County's properties are annually physically inspected, leading to somewhat stale assessment values, it is expected that the assessment would be modestly below market value.
- Both the City of Lynden's 2016 Comprehensive Plan and the forthcoming Pepin Creek Subarea Plan will signal to the market that the Pepin Creek Subarea is the next logical site for development in the City of Lynden. The subarea's updated zoning, which will allow for more intensive development than elsewhere in the city, increases the development potential of the land and its value.

One of the parcels within the subarea, the Bovenkamp property, recently sold for 133% above market value, confirming that the Whatcom County Assessor's assessments for these properties are likely significantly under market value. To account for this potential undervaluing, we assumed that the land will cost between 125% and 150% more than the Whatcom County Assessor estimates, for a total land value (rounded to the nearest \$1,000 of \$21,995,000 to \$24,439,000).

BERK then added the estimated cost of the infrastructure investments needed to make the land developable. The total infrastructure costs are \$97,657,000; developers will also need to contribute up

to \$16,875,303 in utility connection fees for water, sewer, and stormwater to support the development. The desire is that developers will bear these costs fully, except for an already-committed contribution of \$16,848,707 from the City to support the regional and local road improvements, and the creek realignment and downstream stabilization. Because this feasibility assessment seeks to identify the City of Lynden's contributions to those infrastructure costs, if any, that will be necessary to support the development there are two bounds identified for this analysis:

- **Threshold Feasibility.** Developers can buy the land and pay their existing commitments, for a total cost of between \$74,096,000 and \$76,540,000.
- **Full Feasibility.** Developers can buy the land and pay the total infrastructure costs less the existing city commitment, for a total cost of between \$119,679,000 and \$122,123,000.

These analytic bounds and the resulting cost per square foot of developable land are shown in [Exhibit 30](#).

Exhibit 30. Cost per Square Foot of Developable Land

	Threshold Feasibility (Existing Developer Commitment)		Full Feasibility (Total Infrastructure Costs less Existing City Commitment*)	
	Low	High	Low	High
Total Land Value	\$ 21,995,000	\$ 24,439,000	\$ 21,995,000	\$ 24,439,000
Total Infrastructure Costs	\$ 52,101,000	\$ 52,101,000	\$ 97,684,000	\$ 97,684,000
TOTAL COST	\$ 74,096,000	\$ 76,540,000	\$ 119,679,000	\$ 122,123,000
Cost per Square Foot of Developable Land	\$ 6.30	\$ 6.60	\$ 10.30	\$ 10.50

Source: Whatcom County Assessor's Office, 2018; and BERK Consulting, 2019.

The values above present a range of costs for the developable land. For the project to be feasible under the bounds of the analysis, the value of the land must be greater than its costs, based on the assumption that developers will not pursue a project unless it is profitable. Since the value of the developable land is not known, the analysis compares the cost of the developable land to the value of land in comparable developments. BERK identified six comparable developments for the purposes of this comparison, including:

- Homestead – Lynden, WA
- Pacific Highlands – Ferndale, WA
- Pacific Heights – Ferndale, WA
- Skyview – Ferndale, WA
- Douglas Place – Ferndale, WA
- South Douglas – Ferndale, WA

Whatcom County Assessor's data provides approximate land values for the land in these comparable developments. It is expected that the assessments for these properties also significantly under value the land. Because the land is already developed, it is expected that that undervaluing is not nearly as significant. The Whatcom County Assessor's potential undervaluing of the land is accounted for by adjusting these values upward by a low value of 25% and high of 50%.

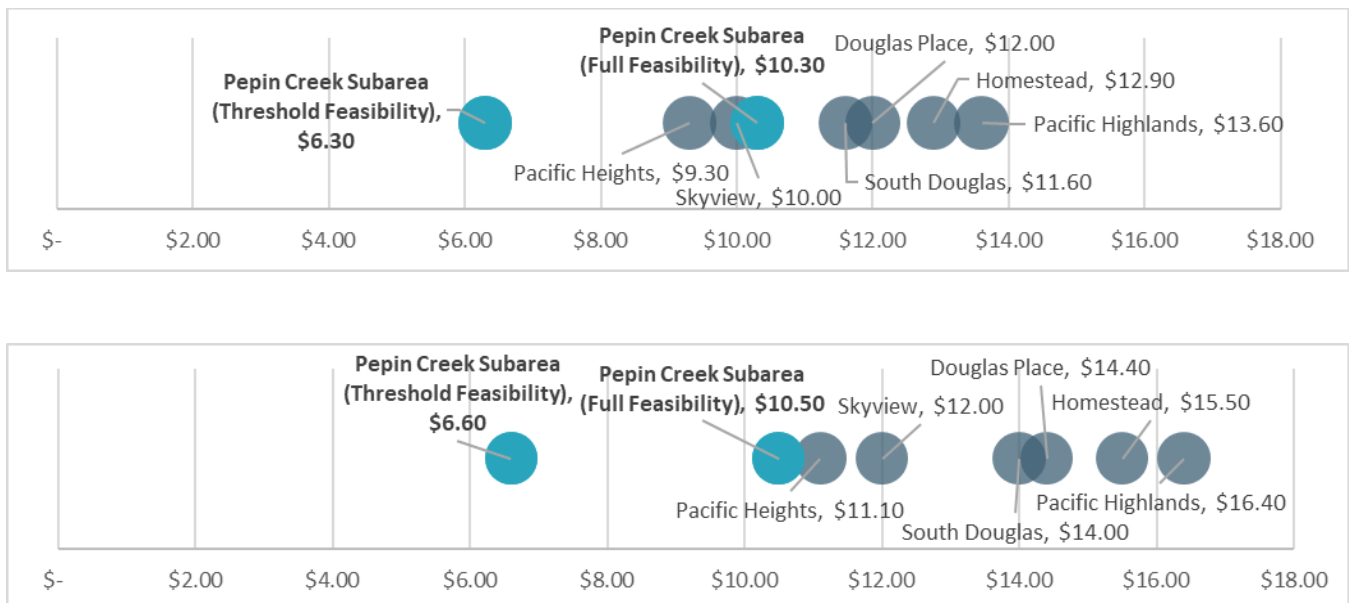
Exhibit 31. Per Square Foot Land Values for Comparable Developments in Whatcom County

Comparable Development	City	Per Square Foot Land Value		
		Assessor	Low	High
Pacific Highlands	Ferndale	\$ 10.90	\$ 13.60	\$ 16.40
Pacific Heights	Ferndale	\$ 7.40	\$ 9.30	\$ 11.10
Skyview	Ferndale	\$ 8.00	\$ 10.00	\$ 12.00
Douglas Place	Ferndale	\$ 9.60	\$ 12.00	\$ 14.40
South Douglas	Ferndale	\$ 9.30	\$ 11.60	\$ 14.00
Homestead	Lynden	\$ 10.30	\$ 12.90	\$ 15.50

Source: Whatcom County Assessor’s Office, 2018; and BERK Consulting, 2018.

These potential values can then be compared to the per square foot values estimated for the cost of the Pepin Creek Subarea land, as shown in [Exhibit 30](#).

Exhibit 32. Comparison of Pepin Creek Subarea Developable Land Costs to Land Values in Comparable Developments (Low (top), based on 25% adjustment to Assessor’s value, and High (bottom), based on 50% adjustment to Assessor’s values)



The comparison shows that in both feasibility scenarios (threshold and full feasibility), the Pepin Creek subarea developable land value is on the lower end and within the values of comparable developments. It is important to remember that cost of the land and value of the land are not the same thing, as the former does not account for the developer’s profit. It is expected that for this project to be feasible the future value of the land must be within the values of comparable developments. Profit is not factored into this because developer’s expectations for profit for this kind of development are not known.

Appendix E – Flood Hazards

This appendix contains additional information to document the existing conditions related to flooding and flood hazards in the PCSA. The PCSA has experienced significant flooding and water inundation events in the past, which have endangered public safety and damaged or destroyed property. The most recent events were in 2009 and 2005. In 2005, the area was flooded as a result of heavy rainfall coupled with snow and ice melt and frozen ground.



North Lynden Flooding (looking south)



North Lynden Flooding (looking north)



Flooded fields in the PCSA

During this 2005 event, beginning north of the city and extending into Canada both Double Ditch and the Benson Road ditch systems were over-topped allowing water to sheet flow across roads and onto private properties. The drainage systems in developed areas which received the discharged water were not designed to handle such extreme conditions. The Homestead development on the east side of Benson Road north of the airport and the Dahlia Street and Pine Street areas were inundated with water. This flooding adversely affected emergency response, local traffic, and access to residences. Many insurance claims were filed based on the flooding, however, the City's insurance carrier denied the claims citing that the City's storm water system was adequate for the expected storm water volume and the storm event was far in excess of an expected or normal storm water condition. This left many city residents frustrated and without recourse for addressing their property damage.



Homestead Area (Emerald Way), Lynden (Four Photos)

During the 2009 flood event, the PCSA also experienced property damage and road closures:



Woodcreek Drive East



Pine Street



Double Ditch Road and Main Street Intersection – Looking South

The Washington State Growth Management Act (GMA) requires cities to adopt policies and development regulations based on the best available science to protect critical areas. One such critical area designation required by GMA is “frequently flooded areas.” Lynden regulates frequently flooded areas within the city that are also part of the National Flood Insurance Program or within the 100-year flood plain designations of the Federal Emergency Management Agency. However, based on the known history of flooding in this basin under certain weather conditions, Lynden recognizes the need to address frequently flooded areas not presently captured in Lynden’s current flood management scheme. This need would be addressed through adoption of a flood hazard mitigation overlay.

Lynden is required to consider the impacts of flooding and inundations of water prior to subdivision approval and may deny a subdivision application on based on such concerns. Also, the City may go beyond adopted regulations to ensure safety and prevent flood hazards when it is apparent that the regulations are not adequate to deter the type of flooding and inundations of water which occur in the PCSA. Prior to development, landowners within ~~the a~~ Flood Hazard Mitigation Overlay designation or areas determined to be frequently flooded will be required to implement mitigation measures to address potentially adverse environmental impacts to the natural and built environment.

If a Flood Hazard Mitigation Overlay is implemented, it is recommended to include the entire PCSA. Its purpose ~~is-would be~~ to recognize and manage the flood hazards associated with a combination of surface flows from north of the city, ground water saturation, frozen and impervious soils, drainage limitations, heavy rainfall, and downstream constraints within the subarea. Based on the past history and these more recent flood records, development in the PCSA without proper mitigation will likely result in significant adverse impacts on area land development (housing and related ingress and egress), transportation (street systems, traffic movement, and traffic hazards) and public services and utilities (police, fire, emergency access, communications, and water and sewer).

~~The A~~ Flood Hazard Mitigation Overlay ~~or other flood management planning isare~~ intended to assure that development in the subarea is designed and permitted to prevent cumulative negative impacts within the PCSA and the surrounding community. The City has a strong interest in preventing the future flooding of residential neighborhoods, avoiding the life safety concerns associated with flooded public roads and road closures, and protecting public and private property from flood damage, all of which has occurred in past storm events in the PCSA. The City has been working to design infrastructure which would mitigate these flooding events which has been referred to as the “Pepin Creek Realignment Project”. Acceptable mitigation strategies for the overlay will be further defined by the City and it is recommended that a subsequent study of potential mitigation for development in the PCSA be completed concurrently with the Pepin Creek Realignment Project design.

~~Note: A Flood Hazard Mitigation ordinance is likely to be presented for City Council approval concurrently with the Pepin Creek Subarea Plan and will be added to this appendix prior to finalization.~~

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	December 2, 2019	
Name of Agenda Item:	Ord 1597 - Site Specific Rezone 19-01 – Bouma Property	
Section of Agenda:	Consent	
Department:	Planning Department	
Council Committee Review:	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
Legal Review:	<input checked="" type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input type="checkbox"/> Review Not Required	
Attachments:	Ordinance 1597 with Exhibit A - Findings of Fact and Conclusions of Law	
Summary Statement:	<p>Rezone application 19-01 has been brought forward by property owner Gene Bouma. Mr. Bouma is proposing to shift the property from the single-family zoning category of RS-100 to a multi-family zoning category of RM-2. The 30,000 square foot property is located at the northwest corner of Main St. and 19th St.</p> <p>On November 18, 2019 the City Council voted to approve the rezone application. The attached ordinance documents the findings of this action.</p>	
Recommended Action:	Motion to authorize the Mayor's signature on Ordinance 1597 regarding Site Specific Rezone Application #19-01.	

ORDINANCE NO. 1597

AN ORDINANCE REZONING CERTAIN REAL PROPERTY IN THE CITY OF LYNDEN,
WASHINGTON FROM SINGLE FAMILY RESIDENTIAL (RS-100) TO RESIDENTIAL MULTI-
FAMILY (RM-2) AND AMENDING THE COMPREHENSIVE PLAN THEREOF

WHEREAS, on November 18, 2019, the Lynden City Council considered a petition for a site-specific rezone and comprehensive plan amendment for the following property from the RS-100 zone (residential single-family, up to four dwelling units per acre) to the RM-2 zone (residential multi-family, up to four units per building):

LOT B, AS DELINEATED ON CITY BIBLE CHURCH LOT LINE ADJUSTMENT, ACCORDING TO THE PLAT THEREOF, RECORDED FEBRUARY 8, 2016 UNDER AUDITOR'S FILE NUMBER 2016-0200775, RECORDS OF WHATCOM COUNTY, WASHINGTON.

SITUATE IN WHATCOM COUNTY, WASHINGTON (Hereinafter, "the Property");
and

WHEREAS, the rezone applicant provided the City with an affidavit on posting the notice of application and public hearing in three locations near the Property, and the receipts for certified mailing of said notice to all property owners within three hundred feet of the Property; and

WHEREAS, the Lynden Planning Commission held a public hearing on July 11, 2019 at the City Hall Annex, 205 4th Street, Lynden, WA, to accept public testimony on the proposed amendment of the comprehensive plan and site-specific rezone, and that meeting was duly recorded; and

WHEREAS, the Planning Commission recommended denial of the rezone request on two grounds: (1) the Planning Commission determined that the applicant did not demonstrate that the application met the criterion of "promoting the health, safety and general welfare of the community; and (2) the Planning Commission determined that it would be more appropriate to consider the zoning of the entire area around the Property, not just the Property itself.

WHEREAS, on November 18, 2019, the Lynden City Council considered the proposed amendment to the comprehensive plan and rezone, and by motion on vote of 4-1, determined to grant the same; and

WHEREAS, the City Council determined (1) that the applicant demonstrated that the proposal meets all five of the criteria for approval of a site-specific rezone in LMC 17.19.050, including that it will promote the health, safety, and general welfare of the community; (2) upon satisfaction of said site-specific rezone criteria, the applicant was entitled to approval; and (3) that it was in the public interest and promoted the health, safety, and general welfare to amend the comprehensive plan in a manner consistent with the site-specific rezone; and

WHEREAS, the City Council of the City of Lynden enters the Findings of Fact, Conclusions of Law, Conditions and Decision attached hereto as Exhibit A;

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Lynden as follows:

Section 1: The zoning map of the City of Lynden and Ordinance No. 1519 adopting the zoning map are hereby amended to rezone the Property to RM-2.

Section 2: The rezone is granted pursuant to the conditions listed in the attached Exhibit A hereto.

Section 3. Any ordinance or parts of ordinances in conflict herewith are hereby repealed.

Section 4. This ordinance shall be in full force and effect five (5) days after its passage, approval and publication as provided by law.

PASSED by the City Council this _____ day of December, 2019 and signed by the Mayor on the _____ day of December, 2019.

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

CITY OF LYNDEN
FINDINGS OF FACT AND CONCLUSIONS OF LAW

REGARDING THE APPLICATION OF Gene Bouma, TO REZONE PROPERTY	RZ #19-01 FINDINGS OF FACT, CONCLUSIONS OF LAW, CONDITIONS and DECISION on a REZONE FOR Gene Bouma - Rosewood
Petitioner	

Gene Bouma, is owner of the premises known as:

LOT B, AS DELINEATED ON CITY BIBLE CHURCH LOT LINE
ADJUSTMENT, ACCORDING TO THE PLAT THEREOF, RECORDED
FEBRUARY 8, 2016 UNDER AUDITOR’S FILE NUMBER 2016-0200775,
RECORDS OF WHATCOM COUNTY, WASHINGTON.

COMMONLY DESCRIBED AS: The northwest corner of 19th Street and Main
Street, Lynden.

(Hereafter “Property”).

Mr. Bouma has applied to rezone property from Single Family Residential (RS-100) to Residential Multi-Family (RM-2). Said application having come before the City Council of the City of Lynden on November 18, 2019, and the Council having fully and duly considered said application, hereby makes the following:

I. FINDINGS OF FACT AND CONCLUSIONS OF LAW

1.01 Application. Gene Bouma, (“Property Owner”) filed an application for a site-specific rezone which was accepted by the City as complete and containing all information required by LMC 17.19.010 on April 19, 2019.

1.02 Location. The property is located at the northwest corner of 19th Street and Main Street, Lynden.

1.03 Ownership. Gene Bouma is the Property Owner.

1.04 Request. To rezone property from Single Family Residential (RS-100) to Residential Multi-Family (RM-2).

1.05 Reason for Request. To make effective use of land within the existing city limits where all urban services are available.

1.06 Planning Commission Recommendation. As outlined in Planning Commission Resolution #19-02, the Lynden Planning Commission recommended denial of the rezone application.

1.07 Staff Comments. The Council considered the advisory comments from staff attached as Attachment A hereto.

1.08 Conformance with Criteria for Site Specific Rezones. The rezone application as presented is in conformance with the criteria for granting a site-specific rezone as listed in Section 17.19.050 as follows:

- a. That there has been a significant change in circumstances since approval of the current zoning and warrants reclassification of the subject property as proposed because:
 - i. The Property was formerly part of the campus of the adjacent church. It has never been developed for residential use. Now, the church has been converted to Lynden Academy. It will not be developed for residential use in the foreseeable future. Multi-family housing provides a good transition between the Lynden Academy and nearby single-family homes.
 - ii. The Property is constrained by a utility easement which would make subdivision and development with single family housing difficult. A sewer line runs through the easement, so the easement cannot be easily vacated or relocated. A variance would likely be required to develop the portion of the Property burdened with the easement with single-family housing. Rezoning the Property to multifamily will provide more flexibility and would not require a variance for development.
 - iii. The RS-100 zone was intended to be a zone where middle-income families could afford to purchase a house. Home prices in Lynden have grown more quickly than incomes, hindering the ability of this zone to meet the needs of middle-income families and creating demand for more housing types.
 - iv. Traffic on Main Street has increased significantly since the Property and surrounding area were designated RS-100. Designating the Property as RM-2 provides a buffer between this busy road and single-family housing.
 - v. Transit lines were added on Main Street after the Property and surrounding area were designated as RS-100. The Comprehensive Plan encourages the development of multi-family housing near transit lines.
- b. The proposed site-specific rezone is consistent with the City's comprehensive plan and applicable sub-area plan(s) because:

- i. One of the primary goals states in the Comprehensive Plan is to increase average residential density to five dwelling units per acre in city limits. Section 2.5.4 of the Lynden Comprehensive Plan states, “In order for Lynden to continue to move toward its density targets of 5 dwelling units per acre, it will need to consider methods of increasing density throughout the current city limits....” The rezone provides an opportunity for infill within the City of Lynden to bring the City closer to achieving this goal of five dwelling units per acre.
 - ii. The fourth major goal of the Comprehensive Plan is that Lynden will “Encourage the availability of affordable housing to all economic segments of the population, promote a variety of residential densities and housing types, and encourage the preservation of existing housing.” The rezone would allow the development of more multi-family housing.
 - iii. Locating multi-family housing on an established transit route (WTA bus route) is supported by the City’s Comprehensive Plan - transportation goals.
 - iv. The Property is located in subarea 2, West Lynden Residential. Between 2004 and 2016, 68 single-family homes and two multi-family projects were added in subarea 2. Figure 1.3.2 of the Comprehensive Plan. This is fewer multi-family projects than in any other residential subarea. This fact supports the conclusion that more multi-family housing could be developed in subarea 2.
- c. The project proposal is consistent with the City’s development codes and regulations for the zoning proposed for the project because:
- i. The City’s development code supports infill.
 - ii. Full compliance with all development codes not specifically varied herein shall be required and is achievable for development at the RM-2 density.
- d. The proposed site-specific rezone is compatible with existing uses and zoning in the surrounding area because:
- i. Establishment of a low-density multi-family (RM-2) on this parcel acts as transitional zoning adjacent to an arterial street.
 - ii. The rezone offers a housing type which has been successfully integrated into the Main Street corridor. Examples include Wood Creek Manor and Oak Wood Apartments, both of which are in close proximity to the subject property.

- iii. The Oak Wood Apartments are approximately 400 feet east of the Property across Main Street and are zoned RM-4.
 - iv. The block on the southeast corner of 19th and Main Streets (kitty-corner to the Property) is occupied by Wood Creek Manor, a multi-family development zoned RM-3.
 - v. There are additional multi-family developments south of the Property along 19th Street.
 - vi. The Property does not share any property lines with single-family homes.
- e. The proposed site-specific rezone does promote the health, safety, and general welfare of the community because:
- i. The rezone would provide much-needed multi-family housing, ensuring that a variety of housing types are available in Lynden.
 - ii. Development of the Property once rezoned would require only one driveway cut into 19th Street, as opposed to three if the zoning of the Property remains RS-100, which promotes public safety.
 - iii. The rezone will bring people into an area of the city close to amenities, including shopping, Lynden Academy, and transit.

1.09 Public Interest. The application does adequately meet the criteria outlined in LMC 17.19.050.

1.10 SEPA Threshold Determination. Environmental review of the proposal has been made under the requirements of Chapter 197-11 WAC and a Mitigated Determination of Non-Significance has been entered.

The foregoing Findings of Fact and Conclusions of Law are not labeled. Those sections which are most properly considered Findings of Fact are hereby designated as such. Those sections which are most properly considered Conclusions of Law are also designated as such. From the foregoing Findings of Fact and Conclusions of Law, the Council establishes the following conditions:

2. CONDITIONS

Any approval of the Petitioner's application shall be subject to the conditions listed below:

1. There shall be only one driveway for access to the Property. Said driveway shall be to 19th Street, and not Main Street. No vehicular access to the Property shall be made from Main Street.

- 2. The existing sewer easement which cuts diagonally across the corner of the property may not be impacted, obstructed or reduced in any manner.
- 3. If future plans include the creation of a condominium, each unit shall be individually metered.
- 4. Development of the Property shall fully comply with all applicable provisions of the Lynden Municipal Code.

3. DECISION

Petitioner’s application for a site-specific rezone and comprehensive plan designation amendment of the Property from Single Family Residential (RS-100) to Residential Multi-Family (RM-2) is hereby **approved** by the Lynden City Council by a vote of 4-1.

DATED: _____

Scott Korthuis, Mayor

ATTACHMENT A ADVISORY COMMENTS

Summary

The property owner is seeking to rezone this property from Single-Family Residential (RS-100) to Multi-Family (RM-2) and has conceptually proposed the construction of two 4-unit multi-family buildings.

Staff recognizes the following opportunities associated with the proposed shift from single-family residential to multi-family residential zoning:

- a. The rezone action would recognize the unique characteristics of this corner parcel which was formerly part of the adjacent church campus and shares no property lines with lots which are or will be used for a single-family home. Additionally, the property is constrained by an existing utility easement.
- b. The rezone provides an opportunity for infill within the City of Lynden and offers a housing type which has been successfully integrated into the Main Street corridor. Examples include Wood Creek Manor and Oak Wood Apartments, both of which are in close proximity to the subject property.
- c. Establishment of a low-density multi-family (RM-2) on this parcel acts as transitional zoning adjacent to an arterial street.
- d. Locating multi-family housing on an established transit route (WTA bus route) is supported by the City's Comprehensive Plan - transportation goals.

Planning Department Comments

2. *Criteria for Approval: 6-24-19 update. Applicant has responded to this comment with written justifications for the proposed rezone. Care should be taken to consider potential impacts to the surrounding properties and the City as a whole and mitigate as needed. This includes additional the potential for additional traffic demands, building scale, and potential conflicts in land use.*

To grant this request, the Planning Commission and City Council must find that the application satisfies each of the criteria listed within Section 17.09.050 of the Lynden Municipal Code:

- a. The current zoning was either approved in error or that a significant change in circumstances since approval of the current zoning warrants reclassification of the subject property as proposed; and

- b. The proposed site-specific rezone is consistent with the City's comprehensive plan and applicable sub-area plan(s); and
- c. The project proposal is consistent with the City's development codes and regulations for the zoning proposed for the project.
- d. The proposed site-specific rezone is compatible with existing uses and zoning in the surrounding area; and
- e. The proposed site-specific rezone will promote the health, safety, and general welfare of the community.

Provide a written response to each of these criteria. Responses will be included in the application package reviewed by Planning Commissioners and the City Council.

- 3. *Public Input:* Please note that a number of neighboring property owners have provided written comments on the proposed rezone and are available for review. Staff recommends the applicant be prepared to respond to these comments at the public hearing.

Advisory Comments – Planning Department

- 4. *Zoning Designation - Permitted Uses:* Be advised, Residential Multi-Family (RM-2) allows up to 4-units per building and is subject to the permitted uses and standards as described in LMC 19.17 including a maximum building height of 32 feet.
- 5. *Design Review:* Multi-family construction is subject to Design Review Board approval prior to permit approval.
- 6. *Zoning Buffers and Street Trees:* Per LMC 19.61 a Type IV landscape buffer, 10 feet in width, is required at the perimeter of multi-family properties which border single-family properties. In addition, future development will require compliance with Chapter 18.14.130 regarding street trees and planting strips. These aspects of design must appear in the Design Review Board submittal package.
- 7. *Transportation Impact Fees:* Be advised, transportation impact fees will be due at the time of permit. The current rate of this fee is \$1309.00 per unit.
- 8. *Landscape Bonding:* Be advised, performance and maintenance bonding will be required for the landscape installed at the time of development. This relates to street trees and any required landscape buffer. Bonds are due prior to issuance of final building occupancy.

9. *Environmental Review:* Conditions associated with the SEPA review (SEPA 19-06) which was conducted concurrently with this application will apply to the proposed development.

Advisory Comments - Public Works Department

10. *Infrastructure Improvements:* Be advised, at the time of future development, all public improvements must be constructed to the current standards as noted in the City of Lynden Manual for Engineering Design and Development Standards.
11. *Stormwater Management:* At the time of future development, all plans must be designed and constructed in compliance with the Department of Ecology's Best Management Practices and the standards approved in the Manual for Engineering Design and Development Standards. Storm drainage report per the City of Lynden and the Department of Ecology standards required.
12. *Stormwater Management:* Be advised, at the time of future development, a stormwater management plan prepared by a professional engineer will be required for this development and must be approved by the City of Lynden prior to approval of construction plans. An erosion control plan must be included in the drainage plan and construction plans as necessary.
13. *Access:* Access will be permitted to/from 19th Street only. No access on Main Street allowed.
14. *Water:* If future plans include the creation of a condominium, the City recommends that each unit must be individually metered.
15. *Sewer:* The existing sewer easement which cuts diagonally across the corner of the property may not be impacted, obstructed or reduced in any manner.

Advisory Comments - Fire and Life Safety

16. *Fire Code:* Future Development will require full compliance with the Fire Code.
17. *Fire Impact Fees:* Be advised, fire impact fees will be due at the time of permit. The current rate of this fee is \$389.00 per multi-family unit.

Advisory Comments - Parks and Recreation

18. *Park and Trail Amenities:* Future development may require participation and or easements for trail system and parks. Connections to trails and parks will be reviewed at the time of Design Review Board approval.

19. *Park Impact Fees:* Be advised, park impact fees will be due at the time of permit. The current rate of this fee is \$546.00 per multi-family unit.

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	December 2, 2019	
Name of Agenda Item:	Final Public Hearing on the 2020 Budget	
Section of Agenda:	Public Hearing	
Department:	Finance	
Council Committee Review:	<input type="checkbox"/> Community Development <input checked="" type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
	Legal Review: <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required	
Attachments:	None	
Summary Statement:	As published, 7:00PM on December 2, 2019 is the time and date set for the Final Public Hearing on the 2020 Budget as presented to the City Council by Mayor Korthuis at the October 21st City Council meeting.	
Recommended Action:	For the Mayor and City Council to conduct the final hearing as required to consider any public commentary on the 2020 Budget.	

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	December 2, 2019	
Name of Agenda Item:	Ord 1594 - Establishing an Impact Fee Deferral Program	
Section of Agenda:	Public Hearing	
Department:	Planning Department	
Council Committee Review:	<input checked="" type="checkbox"/> Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input checked="" type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
	Legal Review: <input checked="" type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input type="checkbox"/> Review Not Required	
Attachments:	Ordinance 1594, Exhibit A, Exhibit B, Redline versions of code revisions (see also staff memo within Council packet of 11-18-19)	
Summary Statement:	<p>In 2015 the State Legislature authorized changes to RCW 82.02 related to the collection of impact fees for single family home development. This was intended to assist in the economic recovery of the building industry.</p> <p>As a result, the City is required to create a program by which home builders may defer the payment of impact fees which would normally be due <u>at the time of building permit</u>. (This deferral option is not available to the impact fees which are normally due at the time of final plat.)</p> <p>The amended code language will propose that impact fees may be delayed until final occupancy but not longer than 18 months. The number of fee deferral requests may not exceed more than 20 units per year per applicant and will be administered at a fee equivalent to 10% of the value of the fees for which deferment is requested or no more than \$300 per residence, whichever is less.</p> <p>Staff is also using the opportunity to amend Title 3 by formally recognizing the option to have fee credits (construction in lieu of impact fees) and to clean-up other language such as outdated capital improvement references to "Table 8" and indicating park and fire fees by reference instead of within the code.</p>	
Recommended Action:	Motion to approve Ordinance 1594 revising LMC Title 3 and implementing an impact fee deferral program while updating references to Park and Fire Impact Fees and Transportation Impact Fee credits and authorize the Mayor's signature on the Ordinance.	

ORDINANCE NO. 1594

AN ORDINANCE OF THE LYNDEN CITY COUNCIL ADOPTING CHAPTER 3.47 AND AMENDING CHAPTERS 3.40, 3.44 AND 3.46 OF THE CITY OF LYNDEN MUNICIPAL CODE RELATING TO IMPACT FEE CREDITS, THE DEFERRAL OF IMPACT FEE COLLECTION; REPEALING ORDINANCES IN CONFLICT; ESTABLISHING PENALTIES FOR NON-COMPLIANCE; AND PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE

WHEREAS, RCW 82.02.050–.110 and WAC 365-196-850 authorize the City of Lynden to require new developments to contribute a proportionate share of the cost of the expansion or improvement of public facilities needed to serve those new developments through the payment of impact fees; and

WHEREAS, although, consistent with RCW 82.02.060(4), the City of Lynden has utilized credits of transportation impact fees toward facility improvements, Chapter 3.46 LMC does not include written provisions for these credits; and

WHEREAS, the impact fees imposed, when combined with other development and construction expenses may hinder economic growth within the building industry; and

WHEREAS, RCW 82.02.050, as amended by SL 5923 in 2015, requires counties and cities to defer collection of residential impact fees and provides for a lien in favor of the City against property subject to impact fees and provides for the implementation of administrative fees associated with the fee deferral program; and

WHEREAS, the City of Lynden wishes to provide a process for deferred collection of residential unit impact fees to be effective January 1, 2020; and

WHEREAS, on December 2, 2019 the City of Lynden held a public hearing to review and discuss the record; and determined that the proposed amendment will bring the City into compliance with RCW 82.02.050.

NOW THEREFORE, BE IT RESOLVED that the Lynden City Council hereby adopts the following:

Section 1: A new Chapter 3.47 of the Lynden Municipal Code, attached as Exhibit A hereto, is hereby enacted.

Section 2: Chapters 3.40, 3.44, and 3.46 of the Lynden Municipal Code are hereby amended as shown in Exhibit B hereto.

Section 3: BE IT FURTHER RESOLVED that any resolutions or parts of resolutions in conflict herewith are hereby repealed insofar as they conflict with the provisions of this resolution.

Section 4: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have passed this code and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases has been declared invalid or unconstitutional, and if, for any reason, this Ordinance should be declared invalid or unconstitutional, then the original Ordinance or Ordinances shall be in full force and effect.

Section 5: This Ordinance shall take effect on January 1, 2020.

PASSED by the City Council of the City of Lynden, Whatcom County, Washington on the 2nd day of December 2019, and signed and approved by the Mayor on the same date.

PASSED by the City Council this _____ day of _____, 2019.

Signed by the Mayor on this _____ day of _____, 2019.

MAYOR (Scott Korthuis)

ATTEST:

CITY CLERK (Pamela Brown)

APPROVED TO AS FORM:

CITY ATTORNEY (Robert Carmichael)

Exhibit A

Chapter 3.47

DEFERRAL OF IMPACT FEES FOR SINGLE-FAMILY RESIDENTIAL CONSTRUCTION

Sections:

- 3.47.010 Authority and purpose.
- 3.47.020 Applicability.
- 3.47.040 Deferment Process

3.47.010 Authority and purpose.

The purpose of this title is to comply with the requirements of RCW 82.02.050, as amended by ESB 5923, Chapter 241, Laws of 2015, to provide an optional impact fee deferral process for single-family residential construction in order to promote economic recovery in the construction industry.

3.47.020 Applicability and Limitations.

A. Subject to the limitations imposed in this chapter, the provisions of this chapter shall apply to all impact fees established and adopted by the city pursuant to Chapter 82.02 RCW which are due at the time of issuance of a building permit for the construction of single-family detached and/or single-family attached dwellings as defined in LMC 17.01.030.

B. Limitation on Deferrals. The deferral entitlements allowed under this chapter shall be limited to the first twenty (20) single-family residential construction building permits per applicant, as identified by contractor registration number or other unique identification number, per calendar year. For the purposes of this chapter, an “applicant” includes an entity that controls the named applicant, is controlled by the named applicant, or is under common control with the named applicant.

C. Deferment will not be considered retroactively so as to cause the City to issue refunds of impact fees.

3.47.030 Deferment Process.

A. Deferral Request Authorized. Applicants for single-family attached or single-family detached residential building permits may request to defer payment of required impact fees until such time as the city building official

approves occupancy of the building. The request for deferral shall be granted so long as the requirements of this chapter are satisfied.

B. Method of Request. A request for impact fee deferral shall be declared at the time of building permit application or during the permit review process. Applicants must submit a written letter of request. Any request for impact fee deferral must be accompanied by an administrative fee identified in the City's unified fee schedule. In the absence of a fee schedule the fee must be equal to 10 percent of the total requested deferral amount or three hundred dollars per residence, whichever is less.

C. Deferral Term. The term of an impact fee deferral granted under this chapter may not exceed 18 months from the date the building permit is issued ("deferral term"). If the condition triggering payment of the deferred impact fees does not occur prior to the expiration of the deferral term, then full payment of the impact fees shall be due on the last date of the deferral term, and all action on the project by the city or the applicant shall cease until payment is made in full.

D. Applicant's Duty to Record Lien. An applicant requesting a deferral under this chapter must grant and record a deferred impact fee lien, in a form approved by the city, for the benefit of the city, in an amount equal to the deferred impact fees as determined under this chapter, against the property in favor of the city in accordance with the requirements of RCW 82.02.050(3)(c). The applicant is solely responsible for costs associated with recording the lien.

E. Satisfaction of Lien. Upon receipt of final payment of all deferred impact fees for the property, the city shall execute a release of deferred impact fee lien for the property. The property owner at the time of the release is responsible, at his or her own expense, for recording the lien release.

F. Foreclosure. In the event the deferred impact fee is not paid within the time periods provided in this chapter, the city may institute foreclosure proceedings in accordance with chapter 61.12 RCW. The extinguishment of a deferred impact fee lien by the foreclosure of another lien having priority over the deferred impact fee lien does not affect the obligation to pay the impact fee as a condition of certificate of occupancy or equivalent certification.

Exhibit B

Chapter 3.40

PROPERTY DEDICATION FOR PUBLIC PARKS, RECREATION FACILITIES AND OPEN SPACES

3.40.010 - Applicability.

The provisions of this chapter shall be applicable to all property development within the city. "Property development" shall mean any application for any residential or nonresidential building permit or conditional use permit for a single-family dwelling, mobile home, duplex, multifamily dwelling, industrial or commercial building; and any application for approval of a mobile home park, mobile home subdivision, planned residential development, or planned unit development; and any application for approval of a short plat or long plat subdivision or subdivision in zones allowing for development purposes.

(Ord. 1197 § 1, 2004).

3.40.020 - Basis for dedication or assessment.

All land dedications or mitigation assessments shall be made on a per unit basis or square foot basis. "Unit" shall mean each dwelling unit, mobile home or lot as applicable and as defined in Chapter 17 of this code. "Unit" for nonresidential development shall mean each additional square foot added to an existing structure or each square foot of building in a new structure.

Where the number of dwelling units or mobile homes is not precisely known at the time of property development, "unit" shall mean at least one single-family dwelling unit or mobile home for each lot, to be increased when the number of dwelling units or mobile homes become known or fixed through application for a building permit or other applicable permit.

(Ord. 1197 § 2, 2004).

3.40.030 - Credit for prior dedication, system improvement, or assessment.

This chapter is not intended to require new dedications or assessments for a unit previously subject to full and complete dedication requirements or mitigation assessments for the unit, individually or as part of a larger project. Dedication requirements or mitigation assessments shall not result in imposition of more than the cost of one unit for any single dwelling unit or mobile home. Full or partial credit shall be given for the value of any dedication of land, system improvement, or mitigation assessment previously provided by the developer for land or facilities identified in the

capital facilities plan and required by the city as a condition of approving the property development.

(Ord. 1197 § 3, 2004).

3.40.040 - Land dedication suitability.

Dedication of land that is improved for public parks, recreation facilities and open spaces is one method of mitigating the impacts on such facilities caused by property development proposals within the city. Every property development proposal shall be reviewed by the park and recreation director and planning director for recommendation of suitable lands for dedication and for the level of improvements for parks, recreation facilities and open spaces in accordance with the standards set forth in the park and trail master plan. Dedication shall generally not be a suitable alternative for providing parks, recreation facilities and open spaces in the following cases:

- A. Where the area that would be required to be dedicated for the purpose would be less than twenty-five thousand square feet in any one location;
- B. Where safe and convenient access is not available;
- C. Where the property development is in close proximity to land already dedicated for such purposes and such land is in need of improvement for recreation purposes; and
- D. In cases where such dedication would not be consistent with the city's comprehensive plan, park and trail master plan, or capital improvement plan.

All property development applications shall be subject to mitigation assessments established by formula unless prior dedication or assessment for parks, recreation facilities and open space has been made such that the total dedication or assessment obligations otherwise applicable to the property development have been met.

(Ord. 1197 § 4, 2004).

3.40.050 - Dedication standards.

Where dedication is determined to be suitable, feasible, and in the best interests of the city, it shall be required in conformance with the requirements contained in "Exhibit A," Section 6—"Dedication Requirements" of the ordinance codified in this chapter.

The city council, upon recommendation of the parks and recreation director, shall determine the final suitability, location and improvements to lands proposed for dedication. Dedications of land shall be consistent with the standards adopted within the park and trail master plan.

Dedications required under this section shall be completed at the earliest applicable date as a condition of approval of any property development permit. Dedication shall be made through the delivery to the city of a fully executed and acknowledged statutory warranty deed. The statutory warranty deed shall be recorded with the Whatcom County auditor.

(Ord. 1197 § 5, 2004).

3.40.060 - Alternative to public dedication.

In some cases, it may be determined that land for parks, recreation facilities and open spaces should not be dedicated to the public, but remain under control of a property owner, homeowner's association or other similar body. Where it is consistent with the provisions and policies of the park and trail master plan, the city council may approve lands to be set aside for private recreational or open space purposes subject to such conditions of ownership and perpetual maintenance as may be deemed acceptable. This alternative shall be subject to the same minimum requirements contained in "Exhibit A," Section 6—"Dedication Requirements" of the ordinance codified in this chapter.

(Ord. 1197 § 6, 2004).

3.40.070 - Mitigation assessments.

When dedication of land for public purposes is determined by the city to be infeasible, unwarranted, or not in the best interests of the city, mitigation assessments shall be required in conformance with this chapter.

(Ord. 1197 § 7, 2004).

3.40.080 - Mitigation assessment formulas.

Mitigation assessments for public parks, recreation facilities and open spaces shall be calculated in accordance with the formulas established by Ordinance 1594 (adoption of 2020 budget) and subject to review and increase as approved through the City's budget process. Mitigation assessments contributed under this section shall be due and payable as follows; provided that, fees due at the time of building permit for a single-family home may be eligible to be deferred consistent with provisions of chapter 3.47 LMC:

Development Type	Assessment due at project approval	Assessment due at building permit application
Development including the subdivision of property and a building permit approval	50% of assessment for all proposed units	50% of assessment for each unit
Creation of new, additional lots on property	50% of assessment	50% of assessment

where one or more previously existing units are located	for net new units	for each new unit
Non-subdivision development approval (e.g., conditional use permit)		Total assessment
Development for which building permit only is required		Total assessment
Building of a structure on a lot of record as defined in Section 17.01.030 LMC established prior to September 1994		50% of assessment
Development for which no building permit will be required following project approval (including conditional use permit where applicable)	Total assessment	

(Ord. 1197 § 8, 2004).

3.40.090 - Administration of assessments.

There is created and established a special purpose, nonoperating park impact fund, to which all mitigation assessments are paid. Fund administration shall be as follows:

- A. **Separate Account for Each Development.** Any assessments paid to the city shall be deposited in the fund and administered as a separate account for the development in question, and the account balance shall be applied only to the completion of improvements or acquisition projects specified in the capital improvement plan as approved or amended by the city council.
- B. **Interest Earned.** Interest and investment income earned by the fund shall be redeposited in the fund and allocated proportionally to each subaccount.
- C. **Time Limit for Expenditures.** Any funds remaining in a development's account shall be refunded with interest to the property owner of record within six years of receipt, unless there exists an extraordinary and compelling reason for fees to be held longer than six years. Such extraordinary or compelling reasons shall be identified in written findings by the city council.

- D. Impact Fees Paid Under Protest. Impact fees may be paid under protest in order to obtain a property development permit or approval.
- E. Refund for Expired Property Development Permit or Approval. If a developer pays any assessments to the park impact fund for mitigation purposes, and the development's building permit or other approval expires before any substantial construction has commenced, the developer or the developer's successors in interest shall be entitled to a refund of the payments made plus interest, less a charge of ten percent of the original assessment for processing of the account. Any amount erroneously paid or collected shall be refunded in full.
- F. Administration of Impact Fee Refunds. All refunds of impact fees authorized in this chapter shall be administered in accordance with RCW 82.02.080 and as it is hereafter amended.

(Ord. 1197 § 9, 2004).

3.40.100 - Impact fee—Exception.

Any person(s) required to pay a fee or dedicate land pursuant to RCW 43.21C.060 for system improvements shall not be required to pay an impact fee or dedicate land under this chapter for those same system improvements.

(Ord. 1197 § 10, 2004).

3.40.110 - Deferral, Appeals and adjustments.

A. Application to defer the payment of impact fees due at the time of building permit in association with the construction of a single-family home may be made in accordance with chapter 3.47 LMC.

B. Any person(s) seeking an adjustment to the dedication or mitigation assessments required by this chapter shall have a right to appeal to the city council. Any such appeal shall be filed with the city clerk in writing within ten days after the date of mailing or transmittal by the city of written notice of the specific dedication or mitigation assessments required by this chapter. Following receipt of such an appeal, the city council shall hold a public hearing to consider the appeal at its next available meeting. In considering the appeal the city council may, in its discretion, take into account unusual circumstances in a specific case and may consider studies and data submitted by the appellant(s). The city council shall issue such determination as it deems fair and equitable. The decision of the city council shall be in writing and shall be the final decision of the city.

(Ord. 1197 § 11, 2004).

Chapter 3.44

FIRE FACILITIES MITIGATION FUND

3.44.010 - Applicability.

The provisions of this chapter shall be applicable to all property development within the city. "Property development" shall mean any application for a building permit for a single-family dwelling, manufactured home, duplex or multifamily dwelling; and any application for approval of a manufactured home park, manufactured home subdivision or residential planned unit development; and any application for approval of a short plat or long plat subdivision or subdivision in zones allowing for development purposes.

(Ord. 1330 § A(part), 2008: Ord. 960 § 1, 1994).

3.44.020 - Basis for mitigation assessment.

All mitigation assessments shall be made on a per unit basis or square foot basis. "Unit" shall mean for residential development each dwelling unit, manufactured home or lot as applicable and as defined in Chapter 17 of the Lynden Municipal Code. Where the number of dwelling units or manufactured homes is not precisely known at the time of the development, "unit" shall mean at least one dwelling unit or manufactured home for each lot, to be increased when the number of dwelling units or manufactured homes become known or fixed through application for a building permit or other applicable permit. Mitigation assessments shall not be imposed so as to have the effect of imposing more than the cost of one unit for any dwelling unit or manufactured home. These requirements are not intended to have the effect of requiring new fire service facility assessments for units which have previously been subject to dedication or assessment individually or as part of a larger project. "Unit" for nonresidential development shall mean each additional square foot added to an existing structure or each square foot of building in a new structure.

(Ord. 1330 § A(part), 2008: Ord. 960 § 2, 1994).

3.44.030 - Mitigation assessment formulas.

The formulas used to calculate mitigation assessments for fire facilities are established by Ordinance 1596 (adoption of 2020 budget) and subject to review and increase as approved through the City's budget process.

Mitigation assessments contributed under this section shall be due and payable as follows; provided that, fees due at the time of building permit may be eligible to be deferred consistent with chapter 3.47 LMC:

Development Type	Amount of Per Unit Assessment Payable At:	
	Project* Approval	Building Permit Application
1. Development requiring both project* and building permit approvals.	½ of assessment for all units	½ of assessment per unit
2. Creation of new, additional lots for future single-family residential use on property where one or more previously existing single-family units are located.	½ of assessment for net new lots	½ of assessment per new unit
3. Development for which building permit only is required.	—	total assessment
4. Building of a structure on a lot-of-record existing when the ordinance codified in this chapter was adopted.	—	½ of assessment
5. Development for which no individual building permit will be required following project approval.	total assessment	

* "Project" includes conditional use permit, manufactured home park, manufactured home subdivision, planned residential development, short plat, long plat, or any other subdivision of property.

(Ord. 1330 § A(part), 2008: Ord. 960 § 3, 1994).

3.44.040 - Administration of cash payments to city.

There is created and established a special purpose nonoperating fire facilities mitigation fund, to which all mitigation assessments are paid. Fund administration shall be as follows:

- A. **Separate Account for Each Development.** Any cash payments made shall be deposited in the fund and administered as a separate account for the development in question, and the account balance shall be applied only to completion of improvements or acquisition projects specified in the city fire facilities capital improvement plan as approved or amended by the city council.
- B. **Interest Earned.** Interest and investment income earned by the fund shall be redeposited in the fund and allocated proportionally to each sub-account.
- C. **Time Limit for Expenditures.** Any funds remaining in a development's account shall be refunded with interest to the property owner of record when the time periods for expenditure of those funds have passed, as provided in applicable state laws.
- D. **Refund of Amounts Paid.** If a developer makes any payments to the fire facilities mitigation fund for mitigation purposes, and the development's building permit or other approval expires before any substantial construction has commenced, the developer or the developer's successors in interest shall be entitled to a refund of the payments made plus interest, less a reasonable charge for processing of the account. Any amount erroneously paid or collected shall be refunded in full.

(Ord. 1330 § A(part), 2008; Ord. 960 § 4, 1994).

3.44.050 – Deferral, Exception, Appeals and adjustments.

A. Application to defer the payment of impact fees due at the time of building permit in association with the construction of a single-family home may be made in accordance with chapter 3.47 LMC.

B. Pursuant to RCW 82.02.100(2), a person installing a residential fire sprinkler system in a single-family home shall not be required to pay the fire operations portion of the impact fee. The exempted fire operations impact fee shall not include the proportionate share related to the delivery of emergency medical services.

C. Any person desiring to appeal from a decision made in the enforcement of the provisions of this chapter or any person seeking an adjustment to the dedication or mitigation assessments required by this chapter due to unusual circumstances in specific cases, shall submit an appeal in accordance with the provisions of Chapter 17.11 of the Lynden Municipal Code and shall be heard by the city council as an open record appeal as provided in Chapter 17.03 of the Lynden Municipal Code.

(Ord. 1330 § A(part), 2008: Ord. 960 § 5, 1994).

3.44.060 - Penalty.

Violation of this chapter is a gross misdemeanor punishable by a fine of not more than five thousand dollars and a jail term of not more than one year. Each day that such violation is allowed to continue shall be considered a separate and additional violation of this chapter.

(Ord. 1330 § A(part), 2008).

Chapter 3.46

TRANSPORTATION IMPACT FEES

Sections:

3.46.010	Authority and purpose.
3.46.015	Definitions
3.46.020	Applicability.
3.46.030	Geographic scope.
3.46.040	Imposition of transportation impact fees.
3.46.050	Fee schedules and establishment of service area.
3.46.060	Calculation of impact fees.
3.46.070	Payment of fees.
3.46.080	Project list.
3.46.090	Funding of projects.
3.46.100	Refunds.
3.46.110	Appeals.
3.46.120	Relationship to SEPA.
3.46.130	Relationship to concurrency.
3.46.140	Necessity of compliance.

3.46.010 Authority and purpose.

- A. This title is enacted pursuant to the city's authority under the Growth Management Act as codified in Chapter 36.70A RCW, the enabling authority in Chapter 82.02 RCW, Chapter 58.17 RCW relating to platting and subdivisions, and the State Environmental Policy Act (SEPA) Chapter 42.21C RCW.
- B. The purpose of this title is to:
1. Develop a transportation impact fee program consistent with the Lynden Comprehensive Plan, for joint public and private financing of transportation improvements necessitated in whole or in part by development in the city;
 2. Ensure adequate levels of transportation and traffic service within the city consistent with the Comprehensive Plan;
 3. Create a mechanism to charge and collect fees to ensure that new development bears its proportionate share of the capital costs of off-site transportation facilities needed to serve new development, in order to provide an adequate level of transportation service consistent with the Comprehensive Plan;

4. Ensure that the city pays its fair share of the capital costs of transportation facilities necessitated by public use of the transportation system; and
 5. Ensure fair collection and administration of such impact fees.
 6. Ensure that new development pays its fair share of the costs to meet urban standards including adequate pavement width, curbs, gutters, pedestrian facilities and other improvements outlined in the City's adopted development standards.
- C. The provisions of this chapter shall be liberally construed to effectively carry out its purpose in the interests of the public health, safety and welfare.

3.46.015 Definitions.

The following are definitions provided for administering the transportation impact fee. The Planning Director shall have the authority to resolve questions of interpretation or conflicts between definitions.

- A. "Adequate level of transportation service" means a system of transportation facilities which have the capacity to serve development without decreasing levels of service below the city's established minimum or meet the City's development standards for urban streets. (LMC 17.15).
- B. "City" means the City of Lynden.
- C. "Development" or "Development activity" means any final short or long plat approval, any construction or expansion of a building, structure, or use, or any changes in the use of land, that creates additional demand and need for public facilities.
- D. "Director" means the Planning Director of the City of Lynden or his/her designee.
- E. "Finance Director" means the finance director of the city of Lynden or his/her designee.
- F. "Impact fee or transportation impact fee" means an assessment imposed upon the approval or permitting of a development activity pursuant to this ordinance. "Impact fee" does not include a reasonable permit or application fee otherwise established by city council resolution.

- G. "Jurisdiction" means a municipality or county.
- H. "Ordinance" means the Ordinance adopting the 2020 City of Lynden Budget and applicable impact fee schedules or as amended thereafter.
- I. "Project improvements" means site improvements and facilities that are planned and designed to provide service for a particular development project that are necessary for the use and convenience of the occupants or users of the project, and are not system improvements. No improvement or facility included in the capital facilities plan approved by the city council shall be considered a project improvement.
- J. "Resolution" means Resolution 958 that provides the transportation impact fee schedule as currently adopted or amended thereafter.
- K. "Service area" means a geographic area defined by ordinance or intergovernmental agreement in which a defined set of public streets and roads provide service to the development within the area.
- L. "System improvements" means public facilities that are included in the Transportation Projects and Programs list contained within the Transportation Element of the Comprehensive Plan and are designed to provide service areas within the community at large, in contrast to project improvements.

3.46.020 Applicability.

- A. The requirements of this chapter apply to all development activity in the city of Lynden.
- B. Mitigation of impacts on transportation facilities located in jurisdictions outside the city will be required when:
 - 1. The other effective jurisdiction has reviewed the development's impact under its adopted impact fee/mitigation regulations and has recommended to the city that the city impose a requirement to mitigate the impacts; and

2. There is an interlocal agreement between the city and the effective jurisdiction specifically addressing transportation impact identification and mitigation.
- C. Under no circumstances shall the city impose impact fees under this ordinance on development located outside the corporate city limits.

3.46.030 Geographic scope.

The boundaries within which impact fees shall be charged and collected are co-extensive with the corporate city limits. Unincorporated areas later annexed to the city shall be subject to impact fees under this chapter upon the effective date of annexation.

3.46.040 Imposition of transportation impact fees.

- A. The city is hereby authorized to impose transportation impact fees on new development according to the provisions of this chapter.
- B. Transportation impact fees:
1. Shall only be imposed for system improvements that are reasonably related to the new development;
 2. Shall not exceed a proportionate share of the costs of system improvements that are reasonably related to the new development;
 3. Shall be used for system improvements that will reasonably benefit the new development; and
 4. May be collected and spent only for system improvements which are included in the Transportation Projects and Programs list within the Transportation Element of the City's Comprehensive Plan.
 5. Should not be imposed to mitigate the same off-site transportation facility impacts that are mitigated pursuant to any other law;
 6. Should not be collected for improvements to state transportation facilities outside the city boundaries unless the state requests such improvements and an agreement to collect such fees has been executed between the state/county and the city;
 7. Shall not be collected for improvements to transportation facilities in other jurisdictions unless the affected jurisdiction requests such improvement and an interlocal agreement has been executed

between the city and the affected jurisdiction for the collection of such fees;

8. Shall be collected only once for each building permit, unless changes or modifications to the building permit are proposed which result in greater direct impacts on transportation facilities than were considered when the building permit was first approved.

3.46.050 Fee schedules and establishment of service area.

- A. An impact fee schedule setting forth the amount of the transportation impact fees to be paid by a development is set out in the Resolution, incorporated herein by this reference.
- B. The impact fee schedule of costs, as set out in the Resolution shall be updated annually at a rate adjusted in accordance with the Engineering News Record (ENR) Construction Cost Index for the Seattle area, using a June-June annual measure to establish revised fee schedules effective July 1 of the current year.
- C. For the purpose of this chapter, the entire city and its urban growth area shall be considered one service area.

3.46.060 Calculation of impact fees.

- A. The Director shall calculate the transportation impact fees as set forth in the Resolution, attached to the ordinance codified in this section, subject to the provisions of this chapter.
- B. In determining the proportionate share, the method of calculating impact fees shall incorporate, among other things, the following:
 1. The cost of public streets and roads necessitated by new development;
 2. An adjustment to the cost of the public streets and roadways for past or future payments made or reasonably anticipated to be made by new development to pay for particular system improvements in the form of user fees, debt service payments, taxes, or other payments earmarked for or proratable to the particular system improvement;
 3. The availability of other means of funding public street and roadway improvements;

4. The cost of existing public street and roadway improvements; and
 5. The methods by which public street and roadway improvements were financed.
- C. A credit, not to exceed the impact fee otherwise payable, shall be provided for the value of any dedication of land for, improvement to, or new construction of any system improvements provided by the developer, to facilities that are identified the Transportation Projects and Programs list within the Transportation Element of the city's Comprehensive Plan and that are required by the city as a condition of approving the development activity. The determination of "value" shall be consistent with the assumptions and methodology used by the city in estimating the capital improvement costs.
- D. The Director may adjust the standard impact fee at the time the fee is imposed to consider unusual circumstances in specific cases to ensure that impact fees are imposed fairly.
- E. The amount of fee to be imposed on a particular development may be adjusted by the Director giving consideration to studies and other data available to the Director or submitted by the developer demonstrating to the satisfaction of the Director that an adjustment should be made in order to carry out the purposes of this chapter.
- F. The impact fee shall provide for system improvement costs previously incurred by the city to the extent that new growth and development will be served by the previously constructed improvements; provided, that such fees shall not be imposed to make up for any system improvement deficiencies.

3.46.070 Payment of fees.

A. All developers shall pay an impact fee in accordance with the provisions of this chapter at the time that final approval is granted as listed below. Impact fees due at the time of building permit for a single-family home may be eligible for deferral consistent with provisions of chapter 3.47 LMC. The fee paid shall be the amount in effect as of the date the development application is deemed completed.

Application Type	Assessment payable at time of:
Residential Subdivision	Final Plat approval
Residential building permit for lot of record created prior to adoption of this ordinance or on an unplatted parcel of land, except where mitigation for the impact has been previously provided as determined by the Director.	Building Permit issuance
Non-residential subdivision or binding site plan	Building permit issuance
Non-residential building permit except where mitigation for the impact has been previously provided as determined by the Director	Building permit issuance

C. The impact fee, as initially calculated after issuance of a final approval, shall be recalculated at the time of payment if the development is modified or conditioned in such a way as to alter the trip generation rate for the development.

D. No final permit or approval shall be issued until the impact fee is paid.

E. Impact fees may be paid under protest in order to obtain a permit or other approval of development activity.

- F. Application to defer the payment of impact fees due at the time of building permit for a single-family home may be made in accordance with chapter 3.47 LMC.

3.46.080 Transportation System Improvement List.

- A. The Director shall commonly review the city's comprehensive land use and transportation plan ("comprehensive plan"), and shall:
1. Identify each transportation system improvement in the comprehensive plan that is growth-related and the proportion of each such system improvement that is growth-related;
 2. Forecast the total moneys available from taxes and other public sources for road improvements over the next six years;
 3. Calculate the amount of impact fees already paid; and
 4. Identify those comprehensive plan system improvements that have been or are being built but whose performance capacity has not been fully utilized.
- D. Once a transportation system improvement is included the Transportation Projects and Programs list within the Transportation Element of the city's Comprehensive Plan, a fee shall be imposed on every development that impacts the system improvement until the system improvement is removed from the list by one of the following means:
1. The council, by ordinance, removes the system improvement from the Transportation Projects and Programs list within the Transportation Element of the city's Comprehensive Plan. In which case the fees that have already been collected will be refunded if necessary to ensure that impact fees remain reasonably related to the traffic impacts of development that have paid an impact fee; provided, that a refund shall not be necessary if the council transfers the fees to the budget of another system improvement that the council determines will mitigate essentially the same traffic impacts; or
 2. The impact fee share of the system improvement has been fully funded, in which case the Director shall administratively remove the system improvement from the transportation system improvement list.

3.46.090 Funding of System Improvements.

- A. A transportation impact fee restricted cash fund is hereby created. The finance director shall be the fund manager. Transportation impact fees shall be placed in appropriate interest-bearing deposit accounts within the transportation impact fee fund.
- B. The transportation impact fees paid to the city shall be held and disbursed as follows:
 - 1. The transportation impact fees collected shall be placed in a deposit account within the impact fee fund;
 - 2. When the council appropriates capital improvement project (CIP) funds for a project on the system improvement list, the fees held in the impact fee fund shall be transferred to the CIP fund. The non-impact fee moneys appropriated for the system improvement may comprise both the public share of the system improvement cost and an advancement of that portion of the private share that has not yet been collected in transportation impact fees;
 - 3. The first money spent by the city on a system improvement after a council appropriation shall be deemed to be the fees from the impact fee fund;
 - 4. Fees collected after a system improvement has been fully funded by means of one or more council appropriations shall constitute reimbursement to the city of the public moneys advanced for the private share of the project.
 - 5. All interest earned on transportation impact fees paid shall be retained in the account and expended for the purpose or purposes for which the transportation impact fees were imposed.
- C. System improvements shall be funded by a balance between transportation impact fees and public funds, and shall not be funded solely by transportation impact fees.
- D. Transportation impact fees shall be expended or encumbered for a permissible use within six years of receipt, unless there exists an extraordinary and compelling reason for fees to be held longer than six years. The finance director may recommend to the council that the city hold fees beyond six years in cases where extraordinary and compelling reasons exist. Upon entry of written findings of such

extraordinary and compelling reasons, the council may authorize the city to hold the fees beyond said six year time period.

- E. The finance director shall prepare an annual report on the transportation impact fee account showing the source and amount of all moneys collected, earned or received and system improvements that were financed in whole or in part by transportation impact fees.

3.46.100 Refunds.

- A. A developer may request and shall receive a refund when the developer does not proceed with the development activity for which transportation impact fees were paid, and the developer shows that no impact has resulted; however, the impact fee administrative fee shall not be refunded.
- B. The current owner of property on which an impact fee has been paid may receive a refund of such fees if the city fails to expend or encumber the impact fees within six years of when the fees were paid or as otherwise extended pursuant to section 3.46.090 D. In determining whether impact fees have been encumbered, impact fees shall be considered encumbered on a first in, first out, basis.
- C. If an owner appears to be entitled to a refund of transportation impact fees, the finance director shall notify the owner by first class mail deposited with the United States Postal Service at their last known address. The owner must submit a request for a refund to the finance director in writing within one year of the date the right to claim the refund arises or the date the notice is given, whichever is later. Any transportation impact fees that are not expended or encumbered within the time limitations established by Lynden Municipal Code 3.46 and for which no application for a refund has been made within this one-year period, shall be retained and expended on any system improvement.
- D. In the event that transportation impact fees must be refunded for any reason, they shall be refunded with interest earned to the owners as they appear of record with the Whatcom County assessor at the time of refund.
- E. When the city seeks to terminate any or all impact fee requirements, all unexpended or unencumbered funds shall be refunded pursuant to this section. Upon the finding that any or all fee requirements are to be terminated, the city shall place notice of such termination and the availability of refunds in a newspaper of general circulation at least two

times and shall notify all potential claimants by first class mail to the last known address of claimants. Claimants shall request refunds as in subsection C of this section. All funds available for refund shall be retained for a period of one year. At the end of one year, any remaining funds shall be retained by the city, but must be expended on any city system improvements. This notice requirement shall not apply if there are no unexpended or unencumbered balances within an account or accounts being terminated.

3.46.110 Appeals.

- A. A developer or property owner shall have the right to file an appeal of the amount of an impact fee determined by the Director. All such appeals shall be filed and reviewed in conformance with the requirements established for filing appeals authorized by Title 17 of the Lynden Municipal Code (“LMC”) as set forth in Chapter 17.11 LMC; and shall be heard by the city council as an open record appeal as provided in Chapter 17.03 LMC. The developer or property owner shall bear the burden of proving:
1. That the Director committed error in calculating the developer’s/property owner’s proportionate share, as determined by an individual fee calculation or, if relevant, as set forth in the fee schedule, or in granting credit for the benefit factors; or
 2. That the Director based his determination upon incorrect data; or
 3. That the Director’s decision was arbitrary and capricious.

3.46.120 Relationship to SEPA.

- A. All development shall be subject to environmental review pursuant to SEPA and other applicable city ordinances and regulations.
- B. Payment of the impact fee shall constitute satisfactory mitigation of those traffic impacts related to the specific improvements identified on the system improvement list at Table 8. C. Further mitigation in addition to the impact fee shall be required for identified adverse impacts appropriate for mitigation pursuant to SEPA that are not mitigated by an impact fee.
- D. Nothing in this chapter shall be construed to limit the city’s authority to deny building permits, plat approvals, or other development permits or approvals, when a proposal would result in significant adverse traffic

impacts identified in an environmental impact statement and reasonable mitigation measures are insufficient to mitigate the identified impact.

3.46.130 Relationship to concurrency.

Neither compliance with this chapter or the payment of any fee hereunder shall constitute a determination of concurrency under Chapter 17.15 of the Lynden Municipal Code.

3.46.140 Necessity of compliance.

A building permit issued after the effective date of the ordinance codified in this section shall be null and void if issued without substantial compliance with this chapter.

3.46.150 Credits.

A. Credit Available. After the effective date of the ordinance codified in this chapter and as provided in RCW 82.02.060(4), a transportation impact fee credit shall be granted for the value of any dedication of land for, improvements to, or construction of any system improvements that are included within the city's current adopted capital facilities plan and are required by the city as a condition of approval for the development. Credit eligibility and the credit amount for a particular improvement or facility shall be determined as set forth in the provisions of this chapter, as now or hereafter amended.

B. Credit Determination – Timing. The amount of credit shall be determined by the Director prior to issuance of a building permit, or upon final plat or site plan approval, whichever occurs first.

C. Application for Credit/Determination of Suitability of Land, Improvements, Construction. Applications for credit shall be made to the Director in writing and shall include an estimate of value of improvements prepared by a professional engineer licensed in the state of Washington. The Director shall determine whether the land, improvements, and/or the facilities constructed are included within the city's current adopted capital facilities plan. In making a determination, the Director may consult with other city staff, or such other persons or agencies as deemed necessary. In all cases the Director shall provide the developer with a written determination as provided in subsection (E).

D. Determination of Credit Amount. Once the city has determined that the land, improvements, and/or construction would be suitable for city purposes as provided in subsection (C) of this section, the Director shall determine the

amount of the credit. The applicant shall be entitled to a credit for a reasonable value of the land, improvements, and/or construction that are made or dedicated, based on the actual cost of improvements and/or construction, or the current assessed value according to the county assessor of any land dedicated. In the event an appraisal is necessary to determine value of the land dedicated, the full cost of such appraisal shall be paid by the applicant.

E. Credit Letters/Administration. After determining the amount of a credit, the Director shall issue and provide the developer with a document, hereinafter known as a "credit letter," setting the dollar amount of the credit, the date of issuance, the reason for the credit, the legal description of property donated, and/or the improvement or construction which was the basis for the credit, and the name and legal description of the development or property to which the credit letter is registered. The developer must sign, date and return the signed credit letter to the Director before the credit will be awarded. The failure of the developer to sign, date, and return the credit letter within 60 calendar days of its issuance by the Director shall nullify the credit. In the event that the amount of any credit exceeds the amount of the impact fee due, the city shall not financially reimburse the difference to the developer and/or applicant; provided, that any unused credit remaining from the amount stated in the credit letter may be applied as credit against future impact fee assessments as described in the credit letter.

F. Administrative Fees. The city shall levy a fee equal to one percent of the total credit to cover costs incurred by the city in administering the provisions of this section authorizing a credit.

D. Appeals. Determination made by the Director pursuant to this section shall be subject to the appeals procedures set forth in LMC 17.11.

Chapter 3.40 - PROPERTY DEDICATION FOR PUBLIC PARKS, RECREATION FACILITIES AND OPEN SPACES

3.40.010 - Applicability.

The provisions of this chapter shall be applicable to all property development within the city. "Property development" shall mean any application for any residential or nonresidential building permit or conditional use permit for a single-family dwelling, mobile home, duplex, multifamily dwelling, industrial or commercial building; and any application for approval of a mobile home park, mobile home subdivision, planned residential development, or planned unit development; and any application for approval of a short plat or long plat subdivision or subdivision in zones allowing for development purposes.

(Ord. 1197 § 1, 2004).

3.40.020 - Basis for dedication or assessment.

All land dedications or mitigation assessments shall be made on a per unit basis or square foot basis. "Unit" shall mean each dwelling unit, mobile home or lot as applicable and as defined in Chapter 17 of this code. "Unit" for nonresidential development shall mean each additional square foot added to an existing structure or each square foot of building in a new structure.

Where the number of dwelling units or mobile homes is not precisely known at the time of property development, "unit" shall mean at least one single-family dwelling unit or mobile home for each lot, to be increased when the number of dwelling units or mobile homes become known or fixed through application for a building permit or other applicable permit.

(Ord. 1197 § 2, 2004).

3.40.030 - Credit for prior dedication, system improvement, or assessment.

This chapter is not intended to require new dedications or assessments for a unit previously subject to full and complete dedication requirements or mitigation assessments for the unit, individually or as part of a larger project. Dedication requirements or mitigation assessments shall not result in imposition of more than the cost of one unit for any single dwelling unit or mobile home. Full or partial credit shall be given for the value of any dedication of land, system improvement, or mitigation assessment previously provided by the developer for land or facilities identified in the capital facilities plan and required by the city as a condition of approving the property development.

(Ord. 1197 § 3, 2004).

3.40.040 - Land dedication suitability.

Dedication of land that is improved for public parks, recreation facilities and open spaces is one method of mitigating the impacts on such facilities caused by property development proposals within the city. Every property development proposal shall be reviewed by the park and recreation director and planning director for recommendation of suitable lands for dedication and for the level of improvements for parks, recreation facilities and open spaces in accordance with the standards set forth in the park and trail master plan. Dedication shall generally not be a suitable alternative for providing parks, recreation facilities and open spaces in the following cases:

- A. Where the area that would be required to be dedicated for the purpose would be less than twenty-five thousand square feet in any one location;
- B. Where safe and convenient access is not available;
- C. Where the property development is in close proximity to land already dedicated for such purposes and such land is in need of improvement for recreation purposes; and
- D. In cases where such dedication would not be consistent with the city's comprehensive plan, park and trail master plan, or capital improvement plan.

All property development applications shall be subject to mitigation assessments established by formula unless prior dedication or assessment for parks, recreation facilities and open space has been made such that the total dedication or assessment obligations otherwise applicable to the property development have been met.

(Ord. 1197 § 4, 2004).

3.40.050 - Dedication standards.

Where dedication is determined to be suitable, feasible, and in the best interests of the city, it shall be required in conformance with the requirements contained in "Exhibit A," Section 6—"Dedication Requirements" of the ordinance codified in this chapter.

The city council, upon recommendation of the parks and recreation director, shall determine the final suitability, location and improvements to lands proposed for dedication. Dedications of land shall be consistent with the standards adopted within the park and trail master plan.

Dedications required under this section shall be completed at the earliest applicable date as a condition of approval of any property development permit. Dedication shall be made through the delivery to the city of a fully executed and acknowledged statutory warranty deed. The statutory warranty deed shall be recorded with the Whatcom County auditor.

(Ord. 1197 § 5, 2004).

3.40.060 - Alternative to public dedication.

In some cases, it may be determined that land for parks, recreation facilities and open spaces should not be dedicated to the public, but remain under control of a

property owner, homeowner's association or other similar body. Where it is consistent with the provisions and policies of the park and trail master plan, the city council may approve lands to be set aside for private recreational or open space purposes subject to such conditions of ownership and perpetual maintenance as may be deemed acceptable. This alternative shall be subject to the same minimum requirements contained in "Exhibit A," Section 6—"Dedication Requirements" of the ordinance codified in this chapter.

(Ord. 1197 § 6, 2004).

3.40.070 - Mitigation assessments.

When dedication of land for public purposes is determined by the city to be infeasible, unwarranted, or not in the best interests of the city, mitigation assessments shall be required in conformance with this chapter.

(Ord. 1197 § 7, 2004).

3.40.080 - Mitigation assessment formulas.

Mitigation assessments for public parks, recreation facilities and open spaces shall be calculated in accordance with the formulas ~~established by Ordinance ##### (adoption of 2020 budget) and subject to review and increase as approved through the City's budget process, found in "Exhibit A," Section 7—"Mitigation Assessments" of the ordinance codified in this chapter. These formulas shall be periodically reviewed and revised as determined by the city council to reflect changes in acquisition and development costs for such facilities.~~ Mitigation assessments contributed under this section shall be due and payable as follows: provided that, -Fees due at the time of building permit for a single-family home may be eligible to be deferred consistent with provisions of chapter LMC-3.47 LMC:

Development Type	Assessment due at project approval	Assessment due at building permit application
Development including the subdivision of property and a building permit approval	50% of assessment for all proposed units	50% of assessment for each unit
Creation of new, additional lots on property where one or more previously existing units are located	50% of assessment for net new units	50% of assessment for each new unit

Non-subdivision development approval (e.g., conditional use permit)		Total assessment
Development for which building permit only is required		Total assessment
Building of a structure on a lot of record as defined in Section 17.01.030 LMC established prior to September 1994		50% of assessment
Development for which no building permit will be required following project approval (including conditional use permit where applicable)	Total assessment	

Formatted: Font: (Default) Arial, 12 pt

(Ord. 1197 § 8, 2004).

3.40.090 - Administration of assessments.

There is created and established a special purpose, nonoperating park impact fund, to which all mitigation assessments are paid. Fund administration shall be as follows:

- A. Separate Account for Each Development. Any assessments paid to the city shall be deposited in the fund and administered as a separate account for the development in question, and the account balance shall be applied only to the completion of improvements or acquisition projects specified in the capital improvement plan as approved or amended by the city council.
- B. Interest Earned. Interest and investment income earned by the fund shall be redeposited in the fund and allocated proportionally to each subaccount.
- C. Time Limit for Expenditures. Any funds remaining in a development's account shall be refunded with interest to the property owner of record within six years of receipt, unless there exists an extraordinary and compelling reason for fees to be held longer than six years. Such extraordinary or compelling reasons shall be identified in written findings by the city council.
- D. Impact Fees Paid Under Protest. Impact fees may be paid under protest in order to obtain a property development permit or approval.
- E. Refund for Expired Property Development Permit or Approval. If a developer pays any assessments to the park impact fund for mitigation purposes, and the development's building permit or other approval expires before any substantial construction has commenced, the developer or the developer's successors in

interest shall be entitled to a refund of the payments made plus interest, less a charge of ten percent of the original assessment for processing of the account. Any amount erroneously paid or collected shall be refunded in full.

- F. Administration of Impact Fee Refunds. All refunds of impact fees authorized in this chapter shall be administered in accordance with RCW 82.02.080 and as it is hereafter amended.

(Ord. 1197 § 9, 2004).

3.40.100 - Impact fee—Exception.

Any person(s) required to pay a fee or dedicate land pursuant to RCW 43.21C.060 for system improvements shall not be required to pay an impact fee or dedicate land under this chapter for those same system improvements.

(Ord. 1197 § 10, 2004).

3.40.110 - Deferral. Appeals and adjustments.

A. Application to defer the payment of impact fees due at the time of building permit in association with the construction of a single-family home may be made in accordance with ~~to LMC~~chapter 3.47 LMC.

B. Any person(s) seeking an adjustment to the dedication or mitigation assessments required by this chapter shall have a right to appeal to the city council. Any such appeal shall be filed with the city clerk in writing within ten days after the date of mailing or transmittal by the city of written notice of the specific dedication or mitigation assessments required by this chapter. Following receipt of such an appeal, the city council shall hold a public hearing to consider the appeal at its next available meeting. In considering the appeal the city council may, in its discretion, take into account unusual circumstances in a specific case and may consider studies and data submitted by the appellant(s). The city council shall issue such determination as it deems fair and equitable. The decision of the city council shall be in writing and shall be the final decision of the city.

(Ord. 1197 § 11, 2004).

Chapter 3.44 - FIRE FACILITIES MITIGATION FUND

3.44.010 - Applicability.

The provisions of this chapter shall be applicable to all property development within the city. "Property development" shall mean any application for a building permit for a single-family dwelling, manufactured home, duplex or multifamily dwelling; and any application for approval of a manufactured home park, manufactured home subdivision or residential planned unit development; and any application for approval of a short plat or long plat subdivision or subdivision in zones allowing for development purposes.

(Ord. 1330 § A(part), 2008: Ord. 960 § 1, 1994).

3.44.020 - Basis for mitigation assessment.

All mitigation assessments shall be made on a per unit basis or square foot basis. "Unit" shall mean for residential development each dwelling unit, manufactured home or lot as applicable and as defined in Chapter 17 of the Lynden Municipal Code. Where the number of dwelling units or manufactured homes is not precisely known at the time of the development, "unit" shall mean at least one dwelling unit or manufactured home for each lot, to be increased when the number of dwelling units or manufactured homes become known or fixed through application for a building permit or other applicable permit. Mitigation assessments shall not be imposed so as to have the effect of imposing more than the cost of one unit for any dwelling unit or manufactured home. These requirements are not intended to have the effect of requiring new fire service facility assessments for units which have previously been subject to dedication or assessment individually or as part of a larger project. "Unit" for nonresidential development shall mean each additional square foot added to an existing structure or each square foot of building in a new structure.

(Ord. 1330 § A(part), 2008: Ord. 960 § 2, 1994).

3.44.030 - Mitigation assessment formulas.

The formulas used to calculate mitigation assessments for fire facilities are ~~established by Ordinance 1596 (adoption of 2020 budget) and subject to review and increase as approved through the City's budget process, as found in "Exhibit A, — Assumptions, Standards and Formulas for Fire Facilities Impact Mitigation Fees." These formulas shall be reviewed and revised as determined by the city council to reflect changes in development and acquisition baseline costs and may be amended by resolution of the city council.~~

Mitigation assessments contributed under this section shall be due and payable as follows: ~~provided that, — Fees due at the time of building permit may be eligible to be deferred consistent with chapter the provisions of LMC-3.47 LMC:~~

Commented [HG1]: In the future- hopefully the 2021 budget – a unified fee schedule.

Development Type	Amount of Per Unit Assessment Payable At:	
	Project* Approval	Building Permit Application
1. Development requiring both project* and building permit approvals.	½ of assessment for all units	½ of assessment per unit
2. Creation of new, additional lots for future single-family residential use on property where one or more previously existing single-family units are located.	½ of assessment for net new lots	½ of assessment per new unit
3. Development for which building permit only is required.	—	total assessment
4. Building of a structure on a lot-of-record existing when the ordinance codified in this chapter was adopted.	—	½ of assessment
5. Development for which no individual building permit will be required following project approval.	total assessment	

* "Project" includes conditional use permit, manufactured home park, manufactured home subdivision, planned residential development, short plat, long plat, or any other subdivision of property.

(Ord. 1330 § A(part), 2008: Ord. 960 § 3, 1994).

3.44.040 - Administration of cash payments to city.

There is created and established a special purpose nonoperating fire facilities mitigation fund, to which all mitigation assessments are paid. Fund administration shall be as follows:

- A. Separate Account for Each Development. Any cash payments made shall be deposited in the fund and administered as a separate account for the

development in question, and the account balance shall be applied only to completion of improvements or acquisition projects specified in the city fire facilities capital improvement plan as approved or amended by the city council.

- B. Interest Earned. Interest and investment income earned by the fund shall be redeposited in the fund and allocated proportionally to each sub-account.
- C. Time Limit for Expenditures. Any funds remaining in a development's account shall be refunded with interest to the property owner of record when the time periods for expenditure of those funds have passed, as provided in applicable state laws.
- D. Refund of Amounts Paid. If a developer makes any payments to the fire facilities mitigation fund for mitigation purposes, and the development's building permit or other approval expires before any substantial construction has commenced, the developer or the developer's successors in interest shall be entitled to a refund of the payments made plus interest, less a reasonable charge for processing of the account. Any amount erroneously paid or collected shall be refunded in full.

(Ord. 1330 § A(part), 2008: Ord. 960 § 4, 1994).

3.44.050 ~~←~~ Deferral, Exception, Appeals and adjustments.

A. Application to defer the payment of impact fees due at the time of building permit in association with the construction of a single-family home may be made in accordance with chapter LMC-3.47 LMC.

B. Pursuant to RCW 82.02.100(2), a person installing a residential fire sprinkler system in a single-family home shall not be required to pay the fire operations portion of the impact fee. The exempted fire operations impact fee shall not include the proportionate share related to the delivery of emergency medical services.

C. Any person desiring to appeal from a decision made in the enforcement of the provisions of this chapter or any person seeking an adjustment to the dedication or mitigation assessments required by this chapter due to unusual circumstances in specific cases, shall submit an appeal in accordance with the provisions of Chapter 17.11 of the Lynden Municipal Code and shall be heard by the city council as an open record appeal as provided in Chapter 17.03 of the Lynden Municipal Code.

(Ord. 1330 § A(part), 2008: Ord. 960 § 5, 1994).

3.44.060 - Penalty.

Violation of this chapter is a gross misdemeanor punishable by a fine of not more than five thousand dollars and a jail term of not more than one year. Each day that such

violation is allowed to continue shall be considered a separate and additional violation of this chapter.

(Ord. 1330 § A(part), 2008).

EXHIBIT "A"

(for Chapter 3.44)

ASSUMPTIONS, STANDARDS AND FORMULAS FOR FIRE FACILITIES IMPACT MITIGATION FEES.

1. LEVEL OF SERVICE

The city desires to achieve and maintain a fire facilities and capital equipment.

2. COST OF SERVICE

The city estimates the acquisition costs of equipment and facilities for fire service necessitated by new developments to be as follows:

Equipment = \$350,000

Facilities = \$400,000

3. FORMULA ADJUSTMENTS

Current facilities and equipment have been acquired through various sources including donations, gifts, dedications and purchase through the city's current expense fund.

In consideration of possible past and future payments made by new development to help pay for fire equipment and facilities, and to provide for a balance between requirements imposed on new development and other sources of public funds, the following adjustment, in the form of a discount to dedication and/or mitigation assessment requirements shall be applied in the dedication and assessment formulas in this exhibit: 10% adjustment.

4. MITIGATION ASSESSMENTS

Mitigation assessments shall be calculated and required as follows:

Residential

a. Fee for each single-family unit, each duplex unit, each mobile home or each lot: \$400—10% adjustment = \$360 per unit.

b. Fee for each multifamily dwelling unit or each mobile home park unit: \$235—10% adjustment = \$212 per unit.

Nonresidential

a. Fee for each square foot of additional floor space on a lot of record will be \$.20 for each square foot.

Commented [HG2]: Delete from Code – See instead Fee Addendum from the Fire Department accompanying the 2020 City Budget

Chapter 3.46

TRANSPORTATION IMPACT FEES

Sections:

- 3.46.010 Authority and purpose.
- 3.46.015 Definitions
- 3.46.020 Applicability.
- 3.46.030 Geographic scope.
- 3.46.040 Imposition of transportation impact fees.
- 3.46.050 Fee schedules and establishment of service area.
- 3.46.060 Calculation of impact fees.
- 3.46.070 Payment of fees.
- 3.46.080 Project list.
- 3.46.090 Funding of projects.
- 3.46.100 Refunds.
- 3.46.110 Appeals.
- 3.46.120 Relationship to SEPA.
- 3.46.130 Relationship to concurrency.
- 3.46.140 Necessity of compliance.

3.46.010 Authority and purpose.

A. This title is enacted pursuant to the city's authority under the Growth Management Act as codified in Chapter 36.70A RCW, the enabling authority in Chapter 82.02 RCW, Chapter 58.17 RCW relating to platting and subdivisions, and the State Environmental Policy Act (SEPA) Chapter 42.21C RCW.

B. The purpose of this title is to:

1. Develop a transportation impact fee program consistent with the Lynden Comprehensive Plan, for joint public and private financing of transportation improvements necessitated in whole or in part by development in the city;
2. Ensure adequate levels of transportation and traffic service within the city consistent with the Comprehensive Plan;
3. Create a mechanism to charge and collect fees to ensure that new development bears its proportionate share of the capital costs of off-site transportation facilities needed to serve new development, in order to provide an adequate level of transportation service consistent with the Comprehensive Plan;

4. Ensure that the city pays its fair share of the capital costs of transportation facilities necessitated by public use of the transportation system; and
 5. Ensure fair collection and administration of such impact fees.
 6. Ensure that new development pays its fair share of the costs to meet urban standards including adequate pavement width, curbs, gutters, pedestrian facilities and other improvements outlined in the City's adopted development standards.
- C. The provisions of this chapter shall be liberally construed to effectively carry out its purpose in the interests of the public health, safety and welfare.

3.46.015 Definitions.

The following are definitions provided for administering the transportation impact fee. The Planning Director shall have the authority to resolve questions of interpretation or conflicts between definitions.

- A. "Adequate level of transportation service" means a system of transportation facilities which have the capacity to serve development without decreasing levels of service below the city's established minimum or meet the City's development standards for urban streets. (LMC 17.15).
- B. "City" means the City of Lynden.
- C. "Development" or "Development activity" means any final short or long plat approval, any construction or expansion of a building, structure, or use, or any changes in the use of land, that creates additional demand and need for public facilities.
- D. "Director" means the Planning Director of the City of Lynden or his/her designee.
- E. "Finance Director" means the finance director of the city of Lynden or his/her designee.
- F. "Impact fee or transportation impact fee" means an assessment imposed upon the approval or permitting of a development activity pursuant to this ordinance. "Impact fee" does not include a reasonable permit or application fee otherwise established by city council resolution.
- G. "Jurisdiction" means a municipality or county.

H. “Ordinance” means the Ordinance adopting the 2020 City of Lynden Budget and applicable impact fee schedules or as amended thereafter.

Commented [HG1]: We will adopt the 2020 budget – and future unified fee schedule – by ordinance. So, should we add a definition of Ordinance?

H.I. “Project improvements” means site improvements and facilities that are planned and designed to provide service for a particular development project that are necessary for the use and convenience of the occupants or users of the project, and are not system improvements. No improvement or facility included in Table 8 or in the capital facilities plan approved by the city council shall be considered a project improvement.

H.J. “Resolution” means Resolution 693 [958] that provides the transportation impact fee schedule as originally currently adopted or amended thereafter.

Commented [HG2]: Do we update to the latest reso number or leave 693 in the definition?

H.K. “Service area” means a geographic area defined by ordinance or intergovernmental agreement in which a defined set of public streets and roads provide service to the development within the area.

H.L. “System improvements” means public facilities that are included in Table 8 of the Transportation Projects and Programs list contained within the Transportation Element of the Comprehensive Plan and are designed to provide service areas within the community at large, in contrast to project improvements.

~~L. “Table 8” means Table 8 of the Transportation Element of the 2008? Comprehensive Plan, which is incorporated in this chapter by this reference.~~

Formatted: Indent: Left: 1", No bullets or numbering

3.46.020 Applicability.

- A. The requirements of this chapter apply to all development activity in the city of Lynden.
- B. Mitigation of impacts on transportation facilities located in jurisdictions outside the city will be required when:
 1. The other effective jurisdiction has reviewed the development’s impact under its adopted impact fee/mitigation regulations and has recommended to the city that the city impose a requirement to mitigate the impacts; and
 2. There is an interlocal agreement between the city and the effective jurisdiction specifically addressing transportation impact identification and mitigation.

C. Under no circumstances shall the city ~~shall~~ impose impact fees under this ordinance on development located outside the corporate city limits.

DRAFT

3.46.030 Geographic scope.

The boundaries within which impact fees shall be charged and collected are co-extensive with the corporate city limits. Unincorporated areas later annexed to the city shall be subject to impact fees under this chapter upon the effective date of annexation.

3.46.040 Imposition of transportation impact fees.

- A. The city is hereby authorized to impose transportation impact fees on new development according to the provisions of this chapter.
- B. Transportation impact fees:
1. Shall only be imposed for system improvements that are reasonably related to the new development;
 2. Shall not exceed a proportionate share of the costs of system improvements that are reasonably related to the new development;
 3. Shall be used for system improvements that will reasonably benefit the new development; and
 4. May be collected and spent only for system improvements which are included in ~~Table 8 the Transportation Projects and Programs list and identified as having an impact fee element within the Transportation Element of the Ceity's Comprehensive Plan, within that table.~~
 5. Should not be imposed to mitigate the same off-site transportation facility impacts that are mitigated pursuant to any other law;
 6. Should not be collected for improvements to state transportation facilities outside the city boundaries unless the state requests such improvements and an agreement to collect such fees has been executed between the state/county and the city;
 7. Shall not be collected for improvements to transportation facilities in other jurisdictions unless the affected jurisdiction requests such improvement and an interlocal agreement has been executed between the city and the affected jurisdiction for the collection of such fees;
 8. Shall be collected only once for each building permit, unless changes or modifications to the building permit are proposed which result in greater direct impacts on transportation facilities than were considered when the building permit was first approved.

3.46.050 Fee schedules and establishment of service area.

- A. An impact fee schedule setting forth the amount of the transportation impact fees to be paid by a development is set out in the Resolution, incorporated herein by this reference.
- B. The impact fee schedule of costs, as set out in the Resolution shall be updated annually at a rate adjusted in accordance with the Engineering News Record (ENR) Construction Cost Index for the Seattle area, using a June-June annual measure to establish revised fee schedules effective July 1 of the current year.
- C. For the purpose of this chapter, the entire city and its urban growth area shall be considered one service area.

Commented [HG3]: Verify that this is the index that we would like to use. Rate to be adjusted annually with budget process (unified fee schedule).

Commented [HG4R3]: Verified with Steve and Anthony. Keep the same.

3.46.060 Calculation of impact fees.

- A. The Director shall calculate the transportation impact fees as set forth in the Resolution, attached to the ordinance codified in this section, subject to the provisions of this chapter.
- B. In determining the proportionate share, the method of calculating impact fees shall incorporate, among other things, the following:
 1. The cost of public streets and roads necessitated by new development;
 2. An adjustment to the cost of the public streets and roadways for past or future payments made or reasonably anticipated to be made by new development to pay for particular system improvements in the form of user fees, debt service payments, taxes, or other payments earmarked for or proratable to the particular system improvement;
 3. The availability of other means of funding public street and roadway improvements;
 4. The cost of existing public street and roadway improvements; and
 5. The methods by which public street and roadway improvements were financed.
- C. A credit, not to exceed the impact fee otherwise payable, shall be provided for the value of any dedication of land for, improvement to, or new construction of any system improvements provided by the developer, to facilities that are identified in Table 8-the Transportation Projects and Programs list within the Transportation Element of the

city's Comprehensive Plan and that are required by the city as a condition of approving the development activity. The determination of "value" shall be consistent with the assumptions and methodology used by the city in estimating the capital improvement costs.

- D. The Director may adjust the standard impact fee at the time the fee is imposed to consider unusual circumstances in specific cases to ensure that impact fees are imposed fairly.
- E. The amount of fee to be imposed on a particular development may be adjusted by the Director giving consideration to studies and other data available to the Director or submitted by the developer demonstrating to the satisfaction of the Director that an adjustment should be made in order to carry out the purposes of this chapter.
- F. The impact fee shall provide for system improvement costs previously incurred by the city to the extent that new growth and development will be served by the previously constructed improvements; provided, that such fees shall not be imposed to make up for any system improvement deficiencies.

3.46.070 Payment of fees.

- A. All developers shall pay an impact fee in accordance with the provisions of this chapter at the time that final approval is granted as listed below. Impact fees due at the time of building permit for a in association with a single family single-family home may by be eligible for deferral consistent with provisions of chapter LMC 3.47 LMC. The fee paid shall be the amount in effect as of the date the development application is deemed completed.

Application Type	Assessment payable at time of:
Residential Subdivision	Final Plat approval
Residential building permit for lot of record created prior to adoption of this ordinance or on an unplatted parcel of land, except where mitigation for the impact has been previously provided as determined by the Director.	Building Permit issuance
Non-residential subdivision or binding site plan	Building permit issuance

Formatted: Font: Bold
Formatted Table

Non-residential building permit except where mitigation for the impact has been previously provided as determined by the Director	Building permit issuance
---	--------------------------

- C. The impact fee, as initially calculated after issuance of a final approval, shall be recalculated at the time of payment if the development is modified or conditioned in such a way as to alter the trip generation rate for the development.
- D. No final permit or approval shall be issued until the impact fee is paid.
- E. Impact fees may be paid under protest in order to obtain a permit or other approval of development activity.
- F. Application to defer the payment of impact fees due at the time of building permit for in association with the construction of a single-family home may be made in accordance with chapter to LMC-3.47 LMC.

3.46.080 Transportation System Improvement List.

- A. The Director shall commonly review the city’s comprehensive land use and transportation plan (“comprehensive plan”), and shall:
 1. Identify each transportation system improvement in the comprehensive plan that is growth-related and the proportion of each such system improvement that is growth-related;
 2. Forecast the total moneys available from taxes and other public sources for road improvements over the next six years;
 3. Calculate the amount of impact fees already paid; and
 4. Identify those comprehensive plan system improvements that have been or are being built but whose performance capacity has not been fully utilized.
- D. Once a transportation system improvement is included in Table 8 the Transportation Projects and Programs list within the Transportation Element of the city’s Comprehensive Plan, a fee shall be imposed on every development that impacts the system improvement until the system improvement is removed from the list by one of the following means:

1. The council, by ordinance, removes the system improvement from Table 8 the Transportation Projects and Programs list within the Transportation Element of the city's Comprehensive Plan. In which case the fees that have already been collected will be refunded if necessary to ensure that impact fees remain reasonably related to the traffic impacts of development that have paid an impact fee; provided, that a refund shall not be necessary if the council transfers the fees to the budget of another system improvement that the council determines will mitigate essentially the same traffic impacts; or
2. The impact fee share of the system improvement has been fully funded, in which case the Director shall administratively remove the system improvement from the transportation system improvement list.

3.46.090 Funding of System Improvements.

- A. A transportation impact fee restricted cash fund is hereby created. The finance director shall be the fund manager. Transportation impact fees shall be placed in appropriate interest-bearing deposit accounts within the transportation impact fee fund.
- B. The transportation impact fees paid to the city shall be held and disbursed as follows:
 1. The transportation impact fees collected shall be placed in a deposit account within the impact fee fund;
 2. When the council appropriates capital improvement project (CIP) funds for a project on the system improvement list, the fees held in the impact fee fund shall be transferred to the CIP fund. The non-impact fee moneys appropriated for the system improvement may comprise both the public share of the system improvement cost and an advancement of that portion of the private share that has not yet been collected in transportation impact fees;
 3. The first money spent by the city on a system improvement after a council appropriation shall be deemed to be the fees from the impact fee fund;
 4. Fees collected after a system improvement has been fully funded by means of one or more council appropriations shall constitute reimbursement to the city of the public moneys advanced for the private share of the project.

5. All interest earned on transportation impact fees paid shall be retained in the account and expended for the purpose or purposes for which the transportation impact fees were imposed.

C. System improvements shall be funded by a balance between transportation impact fees and public funds, and shall not be funded solely by transportation impact fees.

D. Transportation impact fees shall be expended or encumbered for a permissible use within six years of receipt, unless there exists an extraordinary and compelling reason for fees to be held longer than six years. The finance director may recommend to the council that the city hold fees beyond six years in cases where extraordinary and compelling reasons exist. Upon entry of written findings of such extraordinary and compelling reasons, the council may authorize the city to hold the fees beyond said six year time period.

E. The finance director shall prepare an annual report on the transportation impact fee account showing the source and amount of all moneys collected, earned or received and system improvements that were financed in whole or in part by transportation impact fees.

3.46.100 Refunds.

A. A developer may request and shall receive a refund when the developer does not proceed with the development activity for which transportation impact fees were paid, and the developer shows that no impact has resulted; however, the impact fee administrative fee shall not be refunded.

B. The current owner of property on which an impact fee has been paid may receive a refund of such fees if the city fails to expend or encumber the impact fees within six years of when the fees were paid or as otherwise extended pursuant to section 3.46.090 D. In determining whether impact fees have been encumbered, impact fees shall be considered encumbered on a first in, first out, basis.

C. If an owner appears to be entitled to a refund of transportation impact fees, the finance director shall notify the owner by first class mail deposited with the United States Postal Service at their last known address. The owner must submit a request for a refund to the finance director in writing within one year of the date the right to claim the refund arises or the date the notice is given, whichever is later. Any transportation impact fees that are not expended or encumbered within the time limitations established by Lynden Municipal Code 3.46 and for which no application for a refund has been made within this one-year period, shall be retained and expended on any system improvement.

- D. In the event that transportation impact fees must be refunded for any reason, they shall be refunded with interest earned to the owners as they appear of record with the Whatcom County assessor at the time of refund.
- E. When the city seeks to terminate any or all impact fee requirements, all unexpended or unencumbered funds shall be refunded pursuant to this section. Upon the finding that any or all fee requirements are to be terminated, the city shall place notice of such termination and the availability of refunds in a newspaper of general circulation at least two times and shall notify all potential claimants by first class mail to the last known address of claimants. Claimants shall request refunds as in subsection C of this section. All funds available for refund shall be retained for a period of one year. At the end of one year, any remaining funds shall be retained by the city, but must be expended on any city system improvements. This notice requirement shall not apply if there are no unexpended or unencumbered balances within an account or accounts being terminated.

3.46.110 Appeals.

- A. A developer or property owner shall have the right to file an appeal of the amount of an impact fee determined by the Director. All such appeals shall be filed and reviewed in conformance with the requirements established for filing appeals authorized by Title 17 of the Lynden Municipal Code ("LMC") as set forth in Chapter 17.11 LMC; and shall be heard by the city council as an open record appeal as provided in Chapter 17.03 LMC. The developer or property owner shall bear the burden of proving:
1. That the Director committed error in calculating the developer's/property owner's proportionate share, as determined by an individual fee calculation or, if relevant, as set forth in the fee schedule, or in granting credit for the benefit factors; or
 2. That the Director based his determination upon incorrect data; or
 3. That the Director's decision was arbitrary and capricious.

3.46.120 Relationship to SEPA.

- A. All development shall be subject to environmental review pursuant to SEPA and other applicable city ordinances and regulations.
- B. Payment of the impact fee shall constitute satisfactory mitigation of those traffic impacts related to the specific improvements identified on the system improvement list at Table 8. C. Further mitigation in

addition to the impact fee shall be required for identified adverse impacts appropriate for mitigation pursuant to SEPA that are not mitigated by an impact fee.

- D. Nothing in this chapter shall be construed to limit the city's authority to deny building permits, plat approvals, or other development permits or approvals, when a proposal would result in significant adverse traffic impacts identified in an environmental impact statement and reasonable mitigation measures are insufficient to mitigate the identified impact.

3.46.130 Relationship to concurrency.

Neither compliance with this chapter or the payment of any fee hereunder shall constitute a determination of concurrency under Chapter 17.15 of the Lynden Municipal Code.

3.46.140 Necessity of compliance.

A building permit issued after the effective date of the ordinance codified in this section shall be null and void if issued without substantial compliance with this chapter.

3.46.150 Credits.

Commented [HG5]: This is a new section to the City's code although we have offered credits in the past.

A. Credit Available. After the effective date of the ordinance codified in this chapter and as provided in RCW 82.02.060(4), a transportation impact fee credit shall be granted for the value of any dedication of land for, improvements to, or construction of any system improvements ~~and~~ that are included within the city's current adopted capital facilities plan and are required by the city as a condition of approval for the development. Credit eligibility and the credit amount for a particular improvement or facility shall be determined as set forth in the provisions of this chapter, as now or hereafter amended.

B. Credit Determination – Timing. The amount of credit shall be determined by the Director prior to issuance of a building permit, or upon final plat or site plan approval, whichever occurs first.

C. Application for Credit/Determination of Suitability of Land, Improvements, Construction. Applications for credit shall be made to the Director in writing and shall include an estimate of value of improvements prepared by a professional engineer licensed in the state of Washington. The Director shall determine whether the land, improvements, and/or the facilities constructed are included within the city's current adopted capital facilities plan. In making a determination, the Director may consult with other city staff, or such other persons or agencies as deemed necessary. In all cases the Director shall provide the developer with a written determination as provided in subsection (E).

D. Determination of Credit Amount. Once the city has determined that the land, improvements, and/or construction would be suitable for city purposes as provided in subsection (C) of this section, the Director shall determine the amount of the credit. The applicant shall be entitled to a credit for a reasonable value of the land, improvements, and/or construction that are made or dedicated, based on the actual cost of improvements and/or construction, or the current assessed value according to the county assessor ~~tax assessors value~~ of any land dedicated. In the event an appraisal is necessary to determine value of the land dedicated, the full cost of such appraisal shall be paid by the applicant.

E. Credit Letters/Administration. After determining the amount of ~~a the~~ credit, the Director shall issue and provide the developer with a document, hereinafter known as a "credit letter," setting the dollar amount of the credit, the date of issuance, the reason for the credit, the legal description of property donated, and/or the improvement or construction which was the basis for the credit, and the name and legal description of the development or property to which the credit letter is registered. The developer must sign, date and return ~~such~~the signed credit letter to the Director before the credit will be awarded. The failure of the developer to sign, date, and return the credit letter within 60 calendar days of its issuance by the Director shall nullify the credit. In the event that the amount of any credit exceeds the amount of the impact fee due, the city shall not financially

reimburse the difference to the developer and/or applicant ~~and/or applicant~~; provided, that any unused credit remaining from the amount stated in the credit letter may be applied as credit against future impact fee assessments as described in the credit letter.

F. Administrative Fees. The city shall levy a fee equal to one percent of the total credit to cover costs incurred by the city in administering these provisions of this section authorizing a credit.

D. Appeals. Determination made by the Director pursuant to this section shall be subject to the appeals procedures set forth in LMC 17.11.

Commented [BC6]: Same comment here as made for administrative fee under 3.47.030.

DRAFT

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	December 2, 2019	
Name of Agenda Item:	Ordinance No. 1596 – Adoption of the 2020 Budget	
Section of Agenda:	Unfinished Business	
Department:	Finance	
Council Committee Review:	<input type="checkbox"/> Community Development <input checked="" type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
	Legal Review: <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required	
Attachments:		
Ordinance No. 1596		
Summary Statement:		
<p>The Preliminary 2020 Budget was presented to the City Council by Mayor Korthuis at the October 21, 2019 City Council meeting.</p> <p>Per the approved budget calendar, the public hearings for the 2020 Budget were held on November 4, 2019 and November 18, 2019. The final RCW required budget hearing was held earlier this evening December 2, 2019.</p> <p>Ordinance No. 1596 represents the results of the budget process.</p> <p>Passage of this ordinance will finalize and adopt the 2020 budget; and is in compliance with RCW deadlines.</p> <p>The Finance Committee has been presented with this information for their review throughout the budget process, as has Council.</p>		
Recommended Action:		
Approve Ordinance No. 1596 and authorize the Mayor's signature adopting the 2020 Budget.		

ORDINANCE NO. 1596

AN ORDINANCE FOR THE CITY OF LYNDEN
ADOPTING THE 2020 BUDGET
FOR THE CITY OF LYNDEN, WASHINGTON

WHEREAS, the preliminary budget of the City of Lynden for the year 2020 has been heretofore filed in the office of the City Clerk of the City of Lynden; and

WHEREAS, a notice of such filing and that the City Council would, on the 2nd of December, 2019 meet for the purpose of adopting the final budget, and has been duly published by law; and

WHEREAS, the City Council of the City of Lynden has considered said budget and has resolved and determined the separate items thereof,

NOW, THEREFORE, THE CITY OF LYNDEN, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section A. That the final budget including addendums A through M be and the same is hereby adopted and that the appropriation totals be allowed as follows:

GENERAL FUND	
CURRENT EXPENSE	\$ 15,831,019
SPECIAL REVENUE FUNDS	
BERTHUSEN PARK	\$ 111,939
HOTEL/MOTEL TAX	206,410
DRUG BUY IMPREST	16,400
PUBLIC FACILITIES PROTECTIVE INSPECTIONS	125,000
TRANSPORTATION BENEFIT DISTRICT	2,022,000
CAPITAL FACILITIES/IMPROVEMENT FUNDS	
IMPACT FEES – TRANSPORTATION	\$ 1,805,000
IMPACT FEES – FIRE	211,000
IMPACT FEE – PARK	668,000
STREETS CAPITAL CONSTRUCTION	11,311,585
CITY TRAIL	528,200
BENSON ROAD/PEPIN CREEK	478,455
RESERVE FUNDS	
GENERAL GOV. CAPITAL RESERVE	\$ 183,750
POLICE (STATE) SEIZURES/FORFEITURES	5,615
PARKS CAPITAL RESERVE	1,882,605
POLICE CAPITAL (1/10 th) of 1%	594,000
FIRE/EMS CAPITAL RESERVE	179,000

DEBT FUNDS

CITY OF LYNDEN NOTE REDEMPTION, A	\$ 2,932,892
CITY OF LYNDEN NOTE REDEMPTION, B	5,266,428
PUBLIC WORK TRUST LOAN – STREETS	130,714
LTGO BOND REDEMPTION 2017 (2005)	590,000
UTGO BOND REDEMPTION 2017 (2007)	383,900
WHATCOM COUNTY EDI LOAN	145,536
PUBLIC WORKS TRUST LOAN - 17TH ST	33,422
2012 LTGO BOND REDEMPTION	747,000
COMMUNITY ECONOMIC REVITALIZATION BOARD	70,083

UTILITY FUNDS

WATER	\$ 11,752,950
SEWER	11,319,607
STORMWATER	3,854,054
AIRPORT	367,101
USDA RURAL DEV. WATER REV BOND GUARANTY	429,693
WA/SE REV REFUNDING BOND, 2017B (2008-1)	209,773
WA/SE REV REFUNDING GUARANTY, 2017B (2008-1)	147,311
2017-A GUARANTY (2003 W/S REV BOND)	147,127
WATER SOURCE	4,153,224
WATER TREATMENT PLANT IMPROVEMENT	3,022,000

TOTAL 2020 BUDGET

Less anticipated cash on hand	\$ 25,068,274	
Anticipated receipts to be raised by taxes, service fees and bond issues	<u>56,794,519</u>	
		\$ 81,862,793

Section B. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The council hereby declares that it would have passed this code and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases has been declared invalid or unconstitutional.

Section C. This ordinance shall take effect and be in force from and after its passage by the Council and after its approval by the Mayor, if approved, otherwise, as provided by law and five (5) days after the date of its publication.

PASSED BY THE CITY COUNCIL BY AN AFFIRMATIVE VOTE, _____ IN FAVOR _____ AGAINST,
AND SIGNED BY THE MAYOR THIS 2nd DAY OF DECEMBER, 2019.

ATTEST:

MAYOR

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

CITY OF LYNDEN 2020 BUDGET

ADDENDUM A

Water Rates

The following rates are adopted with the budget with an effective date of June 1, 2020.

CUSTOMER CATEGORY	MONTHLY BASE CHARGE² (Per Unit)	VOLUME CHARGE <5ccf¹	VOLUME CHARGE 5-18 ccf¹	VOLUME CHARGE >18ccf¹
Single Family & Duplex (w/ Separate Meters)				
¾"	\$ 31.85	\$ 1.57	\$ 2.07	\$ 3.15
1"	48.36	1.57	2.07	3.15
1.5"	94.64	1.57	2.07	3.15
2"	150.68	1.57	2.07	3.15
Low Income Senior Discount	7.35			

CUSTOMER CATEGORY	MONTHLY BASE CHARGE² (per Unit)	VOLUME CHARGE (per ccf¹)
Multi-Family, including Duplex (w/ Single, Shared Meter)		
Business/Commercial/Industrial		
¾"	\$ 31.85	\$ 1.95
1"	52.56	1.95
1.5"	102.67	1.95
2"	163.07	1.95
3"	325.09	1.95
4"	505.97	1.95
6"	1,009.31	1.95
8"	1,613.60	1.95
Grounds (Irrigation) Meter		
¾"	\$ 31.85	\$ 2.62
1"	52.56	2.62
1.5"	102.67	2.62
2"	163.07	2.62
3"	325.09	2.62
4"	505.97	2.62
Hydrant Meters	\$163.07	\$ 3.15
Outside City Limits Multiplier	1.5	

Associations (Wholesale) (multiplier already included in rate)		
Berthusen (4-inch)	\$ 758.96	\$ 2.13
Twin Ditch (1½-inch)	154.00	2.13
Meadowbrook (Northwood 2")	244.60	2.13

NOTES:

1. The volume charge is for each hundred cubic feet (ccf) - approximately 748 gallons.
2. In addition to charges levied herein, an additional charge of 6.5% shall be assessed, which shall be paid into the Water Debt Reduction Fund to be used exclusively for debt reduction for construction debt.
3. In addition to charges levied herein, an additional charge of a 2% Utility Tax shall be assessed per City Ordinance.

CITY OF LYNDEN 2020 BUDGET

ADDENDUM A

Water Rates, Continued

Classification Information:

- A. Single Family shall include Mobile Homes.
- B. Business/Commercial/Industrial(Non-Permit) covers all non-residential uses, including: Offices and Retail Stores, Churches, Recreation Centers, Service/Gas Stations, Fairgrounds, Hotels/Motels, Nursing Homes, Assisted Living Facilities (without full kitchens, including oven and cooktop), Food and Beverage Establishments, Laundromats, Car Washes, Schools, and Industries which the City has determined do not require a NPDES Permit.
- C. Grounds services shall be for all non-potable uses, including irrigation.

CITY OF LYNDEN 2020 BUDGET

ADDENDUM B

Water General Facility Capital Improvement (FCI) Charges

The following rates are adopted with the budget and become effective January 1, 2020. The rate table below revises the charges for outside City Limits connections and incorporates meter installation fees already in effect.

Residential:

	<u>FCI Charge</u>	<u>Meter Installation Fee</u>
Single Family (1 ERU)	\$ 5,095	\$ 309
Duplex (per unit) ¹	\$ 5,095	309
Multi-family (3+ units, per unit) ²	\$ 3,821	Same as Commercial below

Commercial (Non-Residential) and Industrial:

<u>Meter Size</u>	<u>FCI Charge</u>	<u>Meter Installation Fee</u>
3/4-inch*	\$ 5,095	\$ 309
1-inch	8,503	\$ 432
1-1/2-inch	16,984	\$1,625
2-inch	27,218	\$1,846
3-inch	54,436	\$2,289
4-inch	85,026	time & material ³
6-inch	169,838	time & material ³
8-inch	271,740	time & material ³

Additional Information:

- A. When a service is changed from a smaller meter to a larger meter, the fee calculation shall be the difference between the two.
- B. When a service is changed from a larger meter to a smaller meter, there will be no fee credit adjustment.
- C. Water Associations identified by the Washington State Department of Health (WSDOH) as having a contaminated groundwater source and which agree to connect to the City of Lynden for wholesale water supply will not be charged a General Facilities Charge per the terms of WSDOH loans provided to the City in 2013.
- D. Water connections outside the City Limits will have a 1.5 multiplier applied to the above connection charges. New connections outside the City Limits are only allowed with City Council approval.

¹ Both units must be metered unless authorized by Public Works Director

² Multifamily charges are based on 75% of Single Family ERU

³ Actual Cost. Estimate to be provide by City, upon request, prior to installation

CITY OF LYNDEN 2020 BUDGET

ADDENDUM C

Sewer Rates

The following rates are adopted with the budget with an effective date of June 1, 2020. A Late Payment Fee has been added for Industrial Users.

CONSUMER CATEGORY	MONTHLY BASE CHARGE	CHARGE PER UNIT
Single Family, Duplex, and/or a Multi-Family Dwelling Unit with a Separate Individual Meter	\$ 49.85	N/A
Multi-Family (Including Duplex) with a Connected Single Meter Serving All Units		
First dwelling unit	\$ 49.85	N/A
Each additional dwelling unit	\$ 37.38	N/A
Business/Commercial/Industrial – NPDES ¹ Not Required		
Basic Charge	\$ 49.85	
Volume Charge: per 100 cubic feet (ccf)		\$ 2.77
Industrial Users – NPDES ³ Permitted		
Basic Charge	\$ 99.70	\$ 2.16
Volume Charge: per 100 cubic feet (ccf)		\$.73
BOD Charge: per pound (lb)		\$.72
TSS Charge: per pound (lb)		
BOD Testing Fee (per sample) ²	\$ 52.70 ea	
TSS Testing Fee (per sample) ³	\$ 19.00 ea	
Outside City Limits Multiplier³	1.5	

Additional Information:

- A. Business/Commercial/Industrial (Non-NPDES Permit) covers all non-residential uses, including: Offices and Retail Stores, Churches, Recreation Centers, Service/Gas Stations, Fairgrounds, Hotels/Motels, Nursing Homes, Assisted Living Facilities (without full kitchens, including oven and cooktop), Food and Beverage Establishments, Laundromats, Car Washes, Schools, and Industries which the City has determined do not require an NPDES Permit.
- B. Multi-Family shall include apartments, duplexes, Independent Living Facilities, and multiple condominium units served by a single meter.
- C. Mixed Use (with a single meter). Consumer Category to be determined by Public Works.
- D. A non-representative sample will be billed as if 100% of the Daily Maximum Demand was delivered.
- E. If an Industrial User exceeds the permit limit for Flow, BOD or TSS; it will result in a rate 3-times the established per unit rate, for each violation over the permit or contract limit.
- F. A pH reading outside the permit limit will result in a rate 3-times the established rate for flow for the period of violation.
- G. A concentration level in mg/l over the permit or contract level will result in a rate three (3) times the established per unit rate for the permit or contract charge.

¹ National Pollution Discharge Elimination System (NPDES)

² A late payment charge 5% will be added to payments not made within 30 days of invoice

³ Residential Outside City Limits Multiplier applied to Base Rate; Commercial Outside City Limits Multiplier applied to Base Rate and Unit Volume; and installation of flow meter(s) will be required.

CITY OF LYNDEN 2020 BUDGET

ADDENDUM D

Sewer General Facility Capital Improvement Charges (FCI)

The following rates are adopted with the budget and become effective January 1, 2020. There is no increase over the 2019 charges

The general FCI charges applicable to all areas served by the City are shown in the table below in the “All Areas” column and those additional FCI charges only applicable to the East Lynden/ Line Road Sub-Basin, per Ordinance No. 1447, are shown in the “East Lynden” column:

Consumer Category	Unit	All Areas	East Lynden
Single Family Residential Unit		\$ 6,986	\$ 5,196
Duplex	Per unit	6,986	5,196
Multi-Family			
3 or 4 unit building	Per unit	5,175	3,730
5 or more unit building	Per unit	4,377	3,137
Mobile Home Parks			
First 4 pads	Per pad	5,175	3,730
5 or more pads	Per pad	4,377	3,137
	Meter Size	All Areas	East Lynden
Business, Commercial and Industrial Users	¾-inch	\$ 5,175	\$ 3,730
	1-inch	\$ 8,625	\$ 6,211
	1½-inch	\$ 17,240	\$ 12,409
	2-inch	\$ 27,381	\$ 19,859
	3-inch	\$ 55,147	\$ 39,708
	4-inch	\$ 86,153	\$ 62,034
	6-inch	\$ 172,296	\$ 124,050
	8-inch	\$ 275,667	\$ 177,564

Classification Information:

1. Single Family shall include Mobile Homes.
2. Business and Commercial covers all non-residential uses, including: Offices and Retail Stores (with or without public restrooms), Industrial Users (not requiring an NPDES Permit), Churches, Recreation Centers, Service/Gas Stations, Fairgrounds, Nursing Homes, Assisted Living Facilities, without full kitchen (including oven and cooktop) Food and Beverage Establishments, Laundromats, Car Washes, and Schools.
3. Where a property owner is eliminating a septic system and connecting to the City’s sanitary sewer system, the “All Areas” FCI charges shown above may be waived, Per LMC 13.12.55.

CITY OF LYNDEN 2020 BUDGET

ADDENDUM E

Stormwater Rates

The following stormwater rates reflect a 10% adjustment effective June 1, 2020.

<u>Customer Category</u>	<u>Monthly Base Rate Per Residential Unit</u>	<u>Monthly Increment Rate</u>
Single Family, Duplex and/or Multi-Family Dwelling Unit with Individual Meter	\$ 8.80	N/A
Non Single Family (NSF)	<u>Monthly Base Rate</u> (up to 10,000 sf Impervious Surface Area)	<u>Monthly Increment Rate</u> (over 10,000 sf Impervious Surface Area)
Non-Single Family	\$ 13.70	\$ 6.71 per each 5,000 sf
NSF w/ Provision of Water Quality	\$ 13.70	\$ 5.50 per each 5,000 sf
NSF w/ Provision of Water Quality & Detention	\$ 13.70	\$ 3.41 per each 5,000 sf
NSF w/ Provision of Water Quality & Retention	\$ 13.70	\$ 1.79 per each 5,000 sf

CITY OF LYNDEN 2020 BUDGET

ADDENDUM F

Stormwater Management General Facility Capital Improvement Charges (FCI)

The following (New Stormwater Connection) rates reflect a 10% adjustment effective January 1, 2020.

Customer Category	Base Fee	Increment over 10,000 SF
Single Family, Duplex and/or Multi-Family Dwelling Unit with Individual Meter ¹	\$ 330.00 /unit	
Non-Single Family (up to 10,000 sf)	\$ 657.00	Additional \$ 284.00 for each 5,000 sf over 10,000 sf
Non-Single Family w/ Water Quality Treatment	\$ 657.00	Additional \$ 212.00 for each 5,000 sf over 10,000 sf
Non-Single Family w/ Detention and Water Quality Treatment (up to 10,000 sf)	\$ 657.00	Additional \$ 142.00 for each 5,000 sf over 10,000 sf
Non-Single Family w/ Retention and Water Quality Treatment (up to 10,000 sf)	\$ 657.00	Additional \$ 71.00 for each 5,000 sf over 10,000 sf

¹ Platted Subdivisions that have constructed City approved stormwater facilities that meet City Standards for water quality and quantity as part of the plat are exempt from General Facility Improvement Charges.

ADDENDUM G

Compost Fees and City Equipment Rates

Section 1: Compost Fees (The following rates will be effective January 1, 2020)
 Note: A 5% increase is reflected in the City Labor and Equipment Rates

Category	Amount	Fee
Citizens	Self-serve – Limited Quantities (under ½ Yard Per Visit)	No Charge
Any customer	1 st yard free, then per yard charge up to 50 cubic yards/Year	\$13.00/cubic yard + tax
Any customer	50 to 100 cubic yards/Year	\$ 10.00/cubic yard + tax
Any customer	100 to 299 cubic yards/Year	\$ 7.00/cubic yard + tax
*Double Screened	N/A	10% additional cost per cubic yard
**Fall Clearance	N/A	20% discount per cubic yard October 1 – December 31

Section 2: Rates for City Equipment – Amending Section 3 of Resolution No. 845:

1	Vactor	\$136.50
2	Sweeper	\$105.00
3	Backhoe	\$ 36.75
4	Tractor/Mower	\$ 31.50
5	Mini Excavator	\$ 31.50
6	Flat bed or Dump Truck	\$ 31.50
7	Bucket Truck	\$ 78.75
8	Utility Truck	\$ 31.50
9	Asphalt Roller	\$ 31.50
10	Jumping Jack Compactor	\$ 15.75
11	Sewer Camera	\$ 84.00
	Labor for Operating Equipment – Per Person, Per Hour	\$ 36.75

ADDENDUM H

Lynden Municipal Airport Fees

The following fees will be effective January 1, 2020:

Fuel Profit Margin -----	Variable
Fuel price adjustments will be established upon approval of the Public Works Director (or designee) to reflect current market conditions.	
Access Fees (Residential Access from Adjacent Parcels) -----	\$ 43.00 /month or \$ 430.00 per year if paid prior to January 15th of current year
Off Premises Access Fee – Commercial (Jansen Hangers)-----	\$ 280.00 /month if 8 or more planes are stored (less than 8 planes - price will be negotiated with Public Works Director). \$2,800.00 /annually if paid prior to January 15 th of current year
Off Premises Access Fee – Lot 6 Milky Way Addition (Property owner located adjacent to the airport is granted access; This lot is grand-fathered into the airport overlay zone.)	\$ 43.00 /month or \$ 430.00 per year if paid prior to January 15 th of current year
Off Premises Access Fee – Lot 5 Milky Way Addition (Property owner located adjacent to the airport is granted access. This lot is grand-fathered into the airport overlay	\$ 92.00 /month or \$ 920.00 per year if paid prior to January 15 th of current year.
Vehicle Parking	
Daily -----	\$ 6.00/day
Monthly -----	\$ 32.00/month
Yearly -----	\$ 315.00/year*
* Plus effective leasehold excise tax rate	
Note: If Tie-Down Agreement executed, one vehicle may be parked at no charge.	
Tie-down Fee	
Single/Multi Engine Aircrafts	
First night -----	\$ 11.00*
Each additional night -----	\$ 6.00
Per Month-----	\$ 42.00/month**
* Plus effective leasehold excise tax rate	
<u>Note:</u> *First night at no charge with fuel purchase	
Late Payment Penalty	
For airport fees not paid in full when due, there will be a late fee as follows:	
Less than \$200 -----	\$ 11.00
\$200 or greater -----	5% of the outstanding balance

CITY OF LYNDEN 2020 BUDGET

ADDENDUM I

Police Department Services - Fees

	Current Fee (2019)	Proposed Fee (2020)
Motor Vehicle Accident Reports	\$8.00	\$0.00 (Omit)
Requests for incident reports and Public Disclosure Requests	\$0.15 per page	\$0.15 per page
Fingerprinting	\$12 (1 or 2 cards) \$6 each additional card	\$15 per card for Residents \$20 per card for Non-Residents \$10 each additional card
Investigation Photos	\$5.00 per photo for 33mm film \$2.00 per photo for digital prints	\$0.00 (Omit both)
Concealed Pistol Licenses	As set by the Revised Code of Washington (RCW)	As set by the Revised Code of Washington (RCW)
Animal Control Fees	Current Fee (2019)	Proposed Fee (2020)
License Fees	\$15.00 – Neutered or spayed	\$15.00 – Neutered or spayed
	\$30.00 – NOT Neutered or spayed	\$30.00 – NOT Neutered or spayed
	\$5.00 Replacement or Transferred license	\$5.00 Replacement or Transferred license
Impound Fees	\$25.00 First offense	\$25.00 First offense
	\$50.00 Second offense	\$50.00 Second offense
	\$75.00 Third offense	\$75.00 Third offense
Kennel/Boarding Fees	\$10.00 per day	\$10.00 per day

CITY OF LYNDEN 2020 BUDGET

ADDENDUM J

Land Use and Development Fees

Application Type	Current Fee (2019)	Proposed Fee (2020)
Type 1 Administrative Approvals including Design Review and Historic Preservation		
Pre-Application Meeting	\$0.00	\$0.00
Lot Line Adjustment	100.00 + 50.00 per lot	250.00
Clearing, Grading & Fill – Type A	75.00	100.00
Clearing, Grading & Fill – Type B	75.00	100.00
SEPA Environmental Checklist	300.00	350.00
Shoreline exemption	75.00	100.00
Design Review (Projects)	100.00	200.00
Design Review (Detached ADU)		100.00
Design Review (Signs)		50.00
Site Plan Approval (excluding SF)	250.00	250.00
Historic Preservation – Special Valuation Applications	0.00	300.00
Critical Area Review (by consultant)	500.00	100.00 + cost of City's consultant review if required
Type 2 Development Approvals		
Planned Residential Development	\$500.00 + 100.00 per lot	\$600.00 + 100.00 per lot
Short Plat	250.00 + 100.00 per lot	300.00 + 120.00 per lot
Subdivision Plat – Preliminary	300.00 + 100.00 per lot	350.00 + 120.00 per lot
Subdivision Plat – Final	50.00 per lot	70.00 per lot
General Binding Site Plan	300.00 + 100.00 per lot	350.00 + 120.00 per lot
Specific Binding Site Plan	250.00 + 50.00 per lot	300.00 + 100.00 per lot
Development Agreements		200.00 + legal review fees
Shoreline Substantial Development	550.00	550.00
Shoreline Conditional Use	500.00	500.00
Shoreline Variance	500.00	1,000.00

CITY OF LYNDEN 2020 BUDGET

ADDENDUM J

Land Use and Development Fees Continued

Type 3 Land Use, Variance and Amendment Applications (See note 1)		
Conditional Use Permit	\$350.00 + Base fee or FRC	\$400.00
Variance (Board of Adjustment)	300.00 + Base fee or FRC	400.00
Variance to Design Standards (Design Review Board)		150.00
Fence Variance		150.00
Development Standards Variance (per variance)	300.00 + Base fee or FRC	350.00
Rezone	375.00 + Base fee or FRC	450.00
Comprehensive Plan Amendment	500.00 + Base fee or FRC	600.00
Plat Amendment (Major)	0.00	400.00
Plat Amendment (Prior to final plat or plat expiration)	0.00	200.00
Amendment to a Planned Residential Development (PRD) or Master PRD	225.00 + FRC	400.00
CC&R modifications of PRD's	Legal fees	100.00 + legal fees
Zoning Text Amendment	350.00 + Base fee or FRC	400.00
Vacation of Right-of-Way or Easement	0.00	300.00
<p>Note 1 – The term Final Review Cost (FRC) meant the total cost of reviewing the application or request, including without limitation, all legal fees and costs, inspection and testing charges, plan review, and %100 of all staff time spent on said review, calculated hourly, based on salary, benefits and other employment costs. The intent was that the Fee for Type 3 Applications must be either the Base fee of the FRC, whichever is greater.</p> <p>FRC's were not successfully implemented and subsequently proposed to be removed from the land use and development fee schedule beginning in Budget year 2020.</p>		

CITY OF LYNDEN 2020 BUDGET

ADDENDUM J

Land Use and Development Fees Continued

Application Type	Current Fee (2019)	Proposed Fee (2020)
Type 4 Applications		
Home Occupation	\$50.00	\$100.00
Request to Petition for Annexation	0.00	100.00
Annexation	150.00 + 50.00 per lot	300.00 + legal review fees
Appeal of Administrative Decision (non-SEPA)	100.00	200.00
Appeal of Administrative Decision - SEPA	100.00	500.00
Cell Towers Constructed	Building permit fees	1,000.00 + cost of outside review if needed + building permit fees
Cell Tower Revision	Building permit fees	400.00 + building permit fees
ADU Covenant	0.00	100.00
Covenant to Remove an ADU	0.00	100.00
Zoning Verification Letter	0.00	200.00
HBD Commercial Parking – Payment in lieu of on-site parking	Unknown - \$2,333.00 per stall by recent easement agreement	2,350.00 per required stall
Downtown Residential Parking Permit	240.00 by recent agreement	240.00 per year
Public Sidewalk / Outdoor Dining Application	0.00	10.00 + 2.00 per square foot of sidewalk used

CITY OF LYNDEN 2020 BUDGET

ADDENDUM K

Non Represented Salaries

3% Between Steps and Ranges	Base Annual
3.25% COLA	Base Monthly
Increase effective 1-1-2020	Base Hourly Rate

Position (+Step Placement)		Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
Range 1	Parks & Public Works Seasonal (Step Varies)	\$37,391.64	\$38,513.39	\$39,668.79	\$40,858.85	\$42,084.62	\$43,347.16	\$44,647.57	\$45,987.00	\$47,366.61	\$48,787.61
		\$3,115.97	\$3,209.45	\$3,305.73	\$3,404.90	\$3,507.05	\$3,612.26	\$3,720.63	\$3,832.25	\$3,947.22	\$4,065.63
		\$17.98	\$18.52	\$19.07	\$19.64	\$20.23	\$20.84	\$21.47	\$22.11	\$22.77	\$23.46
Range 2		\$38,513.39	\$39,668.79	\$40,858.85	\$42,084.62	\$43,347.16	\$44,647.57	\$45,987.00	\$47,366.61	\$48,787.61	\$50,251.24
		\$3,209.45	\$3,305.73	\$3,404.90	\$3,507.05	\$3,612.26	\$3,720.63	\$3,832.25	\$3,947.22	\$4,065.63	\$4,187.60
		\$18.52	\$19.07	\$19.64	\$20.23	\$20.84	\$21.47	\$22.11	\$22.77	\$23.46	\$24.16
Range 3	Civil Service Secretary* (S-5) (*Temp-Steps 1-5 Only)	\$39,668.79	\$40,858.85	\$42,084.62	\$43,347.16	\$44,647.57	\$45,987.00	\$47,366.61	\$48,787.61	\$50,251.24	\$51,758.77
		\$3,305.73	\$3,404.90	\$3,507.05	\$3,612.26	\$3,720.63	\$3,832.25	\$3,947.22	\$4,065.63	\$4,187.60	\$4,313.23
		\$19.07	\$19.64	\$20.23	\$20.84	\$21.47	\$22.11	\$22.77	\$23.46	\$24.16	\$24.88
Range 4		\$40,858.85	\$42,084.62	\$43,347.16	\$44,647.57	\$45,987.00	\$47,366.61	\$48,787.61	\$50,251.24	\$51,758.77	\$53,311.54
		\$3,404.90	\$3,507.05	\$3,612.26	\$3,720.63	\$3,832.25	\$3,947.22	\$4,065.63	\$4,187.60	\$4,313.23	\$4,442.63
		\$19.64	\$20.23	\$20.84	\$21.47	\$22.11	\$22.77	\$23.46	\$24.16	\$24.88	\$25.63
Range 5		\$42,084.62	\$43,347.16	\$44,647.57	\$45,987.00	\$47,366.61	\$48,787.61	\$50,251.24	\$51,758.77	\$53,311.54	\$54,910.88
		\$3,507.05	\$3,612.26	\$3,720.63	\$3,832.25	\$3,947.22	\$4,065.63	\$4,187.60	\$4,313.23	\$4,442.63	\$4,575.91
		\$20.23	\$20.84	\$21.47	\$22.11	\$22.77	\$23.46	\$24.16	\$24.88	\$25.63	\$26.40
Range 6		\$43,347.16	\$44,647.57	\$45,987.00	\$47,366.61	\$48,787.61	\$50,251.24	\$51,758.77	\$53,311.54	\$54,910.88	\$56,558.21
		\$3,612.26	\$3,720.63	\$3,832.25	\$3,947.22	\$4,065.63	\$4,187.60	\$4,313.23	\$4,442.63	\$4,575.91	\$4,713.18
		\$20.84	\$21.47	\$22.11	\$22.77	\$23.46	\$24.16	\$24.88	\$25.63	\$26.40	\$27.19
Range 7		\$44,647.57	\$45,987.00	\$47,366.61	\$48,787.61	\$50,251.24	\$51,758.77	\$53,311.54	\$54,910.88	\$56,558.21	\$58,254.96
		\$3,720.63	\$3,832.25	\$3,947.22	\$4,065.63	\$4,187.60	\$4,313.23	\$4,442.63	\$4,575.91	\$4,713.18	\$4,854.58
		\$21.47	\$22.11	\$22.77	\$23.46	\$24.16	\$24.88	\$25.63	\$26.40	\$27.19	\$28.01
Range 8		\$45,987.00	\$47,366.61	\$48,787.61	\$50,251.24	\$51,758.77	\$53,311.54	\$54,910.88	\$56,558.21	\$58,254.96	\$60,002.61
		\$3,832.25	\$3,947.22	\$4,065.63	\$4,187.60	\$4,313.23	\$4,442.63	\$4,575.91	\$4,713.18	\$4,854.58	\$5,000.22
		\$22.11	\$22.77	\$23.46	\$24.16	\$24.88	\$25.63	\$26.40	\$27.19	\$28.01	\$28.85
Range 9	Parks Admin. Assistant (S-10)	\$47,366.61	\$48,787.61	\$50,251.24	\$51,758.77	\$53,311.54	\$54,910.88	\$56,558.21	\$58,254.96	\$60,002.61	\$61,802.68
		\$3,947.22	\$4,065.63	\$4,187.60	\$4,313.23	\$4,442.63	\$4,575.91	\$4,713.18	\$4,854.58	\$5,000.22	\$5,150.22
		\$22.77	\$23.46	\$24.16	\$24.88	\$25.63	\$26.40	\$27.19	\$28.01	\$28.85	\$29.71
Range 10	Computer Support Tech. (S-10)	\$48,787.61	\$50,251.24	\$51,758.77	\$53,311.54	\$54,910.88	\$56,558.21	\$58,254.96	\$60,002.61	\$61,802.68	\$63,656.76
		\$4,065.63	\$4,187.60	\$4,313.23	\$4,442.63	\$4,575.91	\$4,713.18	\$4,854.58	\$5,000.22	\$5,150.22	\$5,304.73
		\$23.46	\$24.16	\$24.88	\$25.63	\$26.40	\$27.19	\$28.01	\$28.85	\$29.71	\$30.60
Range 11	Parks Maintenance Worker (S-8/9/10)	\$50,251.24	\$51,758.77	\$53,311.54	\$54,910.88	\$56,558.21	\$58,254.96	\$60,002.61	\$61,802.68	\$63,656.76	\$65,566.47
		\$4,187.60	\$4,313.23	\$4,442.63	\$4,575.91	\$4,713.18	\$4,854.58	\$5,000.22	\$5,150.22	\$5,304.73	\$5,463.87
		\$24.16	\$24.88	\$25.63	\$26.40	\$27.19	\$28.01	\$28.85	\$29.71	\$30.60	\$31.52
Range 12	GIS Analyst (S-10)	\$51,758.77	\$53,311.54	\$54,910.88	\$56,558.21	\$58,254.96	\$60,002.61	\$61,802.68	\$63,656.76	\$65,566.47	\$67,533.46
		\$4,313.23	\$4,442.63	\$4,575.91	\$4,713.18	\$4,854.58	\$5,000.22	\$5,150.22	\$5,304.73	\$5,463.87	\$5,627.79
		\$24.88	\$25.63	\$26.40	\$27.19	\$28.01	\$28.85	\$29.71	\$30.60	\$31.52	\$32.47
Range 13		\$53,311.54	\$54,910.88	\$56,558.21	\$58,254.96	\$60,002.61	\$61,802.68	\$63,656.76	\$65,566.47	\$67,533.46	\$69,559.46
		\$4,442.63	\$4,575.91	\$4,713.18	\$4,854.58	\$5,000.22	\$5,150.22	\$5,304.73	\$5,463.87	\$5,627.79	\$5,796.62
		\$25.63	\$26.40	\$27.19	\$28.01	\$28.85	\$29.71	\$30.60	\$31.52	\$32.47	\$33.44
Range 14		\$54,910.88	\$56,558.21	\$58,254.96	\$60,002.61	\$61,802.68	\$63,656.76	\$65,566.47	\$67,533.46	\$69,559.46	\$71,646.25
		\$4,575.91	\$4,713.18	\$4,854.58	\$5,000.22	\$5,150.22	\$5,304.73	\$5,463.87	\$5,627.79	\$5,796.62	\$5,970.52
		\$26.40	\$27.19	\$28.01	\$28.85	\$29.71	\$30.60	\$31.52	\$32.47	\$33.44	\$34.45
Range 15	Street/Utility Technician (S-8)	\$56,558.21	\$58,254.96	\$60,002.61	\$61,802.68	\$63,656.76	\$65,566.47	\$67,533.46	\$69,559.46	\$71,646.25	\$73,795.64
		\$4,713.18	\$4,854.58	\$5,000.22	\$5,150.22	\$5,304.73	\$5,463.87	\$5,627.79	\$5,796.62	\$5,970.52	\$6,149.64
		\$27.19	\$28.01	\$28.85	\$29.71	\$30.60	\$31.52	\$32.47	\$33.44	\$34.45	\$35.48
Range 16		\$58,254.96	\$60,002.61	\$61,802.68	\$63,656.76	\$65,566.47	\$67,533.46	\$69,559.46	\$71,646.25	\$73,795.64	\$76,009.51
		\$4,854.58	\$5,000.22	\$5,150.22	\$5,304.73	\$5,463.87	\$5,627.79	\$5,796.62	\$5,970.52	\$6,149.64	\$6,334.13
		\$28.01	\$28.85	\$29.71	\$30.60	\$31.52	\$32.47	\$33.44	\$34.45	\$35.48	\$36.54
Range 17		\$60,002.61	\$61,802.68	\$63,656.76	\$65,566.47	\$67,533.46	\$69,559.46	\$71,646.25	\$73,795.64	\$76,009.51	\$78,289.79
		\$5,000.22	\$5,150.22	\$5,304.73	\$5,463.87	\$5,627.79	\$5,796.62	\$5,970.52	\$6,149.64	\$6,334.13	\$6,524.15
		\$28.85	\$29.71	\$30.60	\$31.52	\$32.47	\$33.44	\$34.45	\$35.48	\$36.54	\$37.64
Range 18		\$61,802.68	\$63,656.76	\$65,566.47	\$67,533.46	\$69,559.46	\$71,646.25	\$73,795.64	\$76,009.51	\$78,289.79	\$80,638.48
		\$5,150.22	\$5,304.73	\$5,463.87	\$5,627.79	\$5,796.62	\$5,970.52	\$6,149.64	\$6,334.13	\$6,524.15	\$6,719.87
		\$29.71	\$30.60	\$31.52	\$32.47	\$33.44	\$34.45	\$35.48	\$36.54	\$37.64	\$38.77
Range 19		\$63,656.76	\$65,566.47	\$67,533.46	\$69,559.46	\$71,646.25	\$73,795.64	\$76,009.51	\$78,289.79	\$80,638.48	\$83,057.64
		\$5,304.73	\$5,463.87	\$5,627.79	\$5,796.62	\$5,970.52	\$6,149.64	\$6,334.13	\$6,524.15	\$6,719.87	\$6,921.47
		\$30.60	\$31.52	\$32.47	\$33.44	\$34.45	\$35.48	\$36.54	\$37.64	\$38.77	\$39.93
Range 20	Building Official (S-5)	\$65,566.47	\$67,533.46	\$69,559.46	\$71,646.25	\$73,795.64	\$76,009.51	\$78,289.79	\$80,638.48	\$83,057.64	\$85,549.37
		\$5,463.87	\$5,627.79	\$5,796.62	\$5,970.52	\$6,149.64	\$6,334.13	\$6,524.15	\$6,719.87	\$6,921.47	\$7,129.11
		\$31.52	\$32.47	\$33.44	\$34.45	\$35.48	\$36.54	\$37.64	\$38.77	\$39.93	\$41.13
Range 21	City Clerk (S-3)	\$67,533.46	\$69,559.46	\$71,646.25	\$73,795.64	\$76,009.51	\$78,289.79	\$80,638.48	\$83,057.64	\$85,549.37	\$88,115.85
		\$5,627.79	\$5,796.62	\$5,970.52	\$6,149.64	\$6,334.13	\$6,524.15	\$6,719.87	\$6,921.47	\$7,129.11	\$7,342.99
		\$32.47	\$33.44	\$34.45	\$35.48	\$36.54	\$37.64	\$38.77	\$39.93	\$41.13	\$42.36

3% Between Steps and Ranges	Base Annual
3.25% COLA	Base Monthly
Increase effective 1-1-2020	Base Hourly Rate

Position (+Step Placement)		Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
Range 22		\$69,559.46	\$71,646.25	\$73,795.64	\$76,009.51	\$78,289.79	\$80,638.48	\$83,057.64	\$85,549.37	\$88,115.85	\$90,759.32
		\$5,796.62	\$5,970.52	\$6,149.64	\$6,334.13	\$6,524.15	\$6,719.87	\$6,921.47	\$7,129.11	\$7,342.99	\$7,563.28
		\$33.44	\$34.45	\$35.48	\$36.54	\$37.64	\$38.77	\$39.93	\$41.13	\$42.36	\$43.63
Range 23		\$71,646.25	\$73,795.64	\$76,009.51	\$78,289.79	\$80,638.48	\$83,057.64	\$85,549.37	\$88,115.85	\$90,759.32	\$93,482.10
		\$5,970.52	\$6,149.64	\$6,334.13	\$6,524.15	\$6,719.87	\$6,921.47	\$7,129.11	\$7,342.99	\$7,563.28	\$7,790.18
		\$34.45	\$35.48	\$36.54	\$37.64	\$38.77	\$39.93	\$41.13	\$42.36	\$43.63	\$44.94
Range 24	Network Administrator (S-8), Human Resources Manager (S-8)	\$73,795.64	\$76,009.51	\$78,289.79	\$80,638.48	\$83,057.64	\$85,549.37	\$88,115.85	\$90,759.32	\$93,482.10	\$96,286.57
		\$6,149.64	\$6,334.13	\$6,524.15	\$6,719.87	\$6,921.47	\$7,129.11	\$7,342.99	\$7,563.28	\$7,790.18	\$8,023.88
		\$35.48	\$36.54	\$37.64	\$38.77	\$39.93	\$41.13	\$42.36	\$43.63	\$44.94	\$46.29
Range 25	PW Program Manager (S-10)	\$76,009.51	\$78,289.79	\$80,638.48	\$83,057.64	\$85,549.37	\$88,115.85	\$90,759.32	\$93,482.10	\$96,286.57	\$99,175.16
		\$6,334.13	\$6,524.15	\$6,719.87	\$6,921.47	\$7,129.11	\$7,342.99	\$7,563.28	\$7,790.18	\$8,023.88	\$8,264.60
		\$36.54	\$37.64	\$38.77	\$39.93	\$41.13	\$42.36	\$43.63	\$44.94	\$46.29	\$47.68
Range 26		\$78,289.79	\$80,638.48	\$83,057.64	\$85,549.37	\$88,115.85	\$90,759.32	\$93,482.10	\$96,286.57	\$99,175.16	\$102,150.42
		\$6,524.15	\$6,719.87	\$6,921.47	\$7,129.11	\$7,342.99	\$7,563.28	\$7,790.18	\$8,023.88	\$8,264.60	\$8,512.53
		\$37.64	\$38.77	\$39.93	\$41.13	\$42.36	\$43.63	\$44.94	\$46.29	\$47.68	\$49.11
Range 27	Parks & Rec. Director (S-10)	\$80,638.48	\$83,057.64	\$85,549.37	\$88,115.85	\$90,759.32	\$93,482.10	\$96,286.57	\$99,175.16	\$102,150.42	\$105,214.93
		\$6,719.87	\$6,921.47	\$7,129.11	\$7,342.99	\$7,563.28	\$7,790.18	\$8,023.88	\$8,264.60	\$8,512.53	\$8,767.91
		\$38.77	\$39.93	\$41.13	\$42.36	\$43.63	\$44.94	\$46.29	\$47.68	\$49.11	\$50.58
Range 28	Planning & Community Dev. Dir. (S-7)	\$83,057.64	\$85,549.37	\$88,115.85	\$90,759.32	\$93,482.10	\$96,286.57	\$99,175.16	\$102,150.42	\$105,214.93	\$108,371.38
		\$6,921.47	\$7,129.11	\$7,342.99	\$7,563.28	\$7,790.18	\$8,023.88	\$8,264.60	\$8,512.53	\$8,767.91	\$9,030.95
		\$39.93	\$41.13	\$42.36	\$43.63	\$44.94	\$46.29	\$47.68	\$49.11	\$50.58	\$52.10
Range 29		\$85,549.37	\$88,115.85	\$90,759.32	\$93,482.10	\$96,286.57	\$99,175.16	\$102,150.42	\$105,214.93	\$108,371.38	\$111,622.52
		\$7,129.11	\$7,342.99	\$7,563.28	\$7,790.18	\$8,023.88	\$8,264.60	\$8,512.53	\$8,767.91	\$9,030.95	\$9,301.88
		\$41.13	\$42.36	\$43.63	\$44.94	\$46.29	\$47.68	\$49.11	\$50.58	\$52.10	\$53.66
Range 30		\$88,115.85	\$90,759.32	\$93,482.10	\$96,286.57	\$99,175.16	\$102,150.42	\$105,214.93	\$108,371.38	\$111,622.52	\$114,971.20
		\$7,342.99	\$7,563.28	\$7,790.18	\$8,023.88	\$8,264.60	\$8,512.53	\$8,767.91	\$9,030.95	\$9,301.88	\$9,580.93
		\$42.36	\$43.63	\$44.94	\$46.29	\$47.68	\$49.11	\$50.58	\$52.10	\$53.66	\$55.27
Range 31	Assistant Fire Chief (S-) Finance Director(S-10)	\$90,759.32	\$93,482.10	\$96,286.57	\$99,175.16	\$102,150.42	\$105,214.93	\$108,371.38	\$111,622.52	\$114,971.20	\$118,420.33
		\$7,563.28	\$7,790.18	\$8,023.88	\$8,264.60	\$8,512.53	\$8,767.91	\$9,030.95	\$9,301.88	\$9,580.93	\$9,868.36
		\$43.63	\$44.94	\$46.29	\$47.68	\$49.11	\$50.58	\$52.10	\$53.66	\$55.27	\$56.93
Range 32	Public Works Director (S-10)	\$93,482.10	\$96,286.57	\$99,175.16	\$102,150.42	\$105,214.93	\$108,371.38	\$111,622.52	\$114,971.20	\$118,420.33	\$121,972.94
		\$7,790.18	\$8,023.88	\$8,264.60	\$8,512.53	\$8,767.91	\$9,030.95	\$9,301.88	\$9,580.93	\$9,868.36	\$10,164.41
		\$44.94	\$46.29	\$47.68	\$49.11	\$50.58	\$52.10	\$53.66	\$55.27	\$56.93	\$58.64
Range 33		\$96,286.57	\$99,175.16	\$102,150.42	\$105,214.93	\$108,371.38	\$111,622.52	\$114,971.20	\$118,420.33	\$121,972.94	\$125,632.13
		\$8,023.88	\$8,264.60	\$8,512.53	\$8,767.91	\$9,030.95	\$9,301.88	\$9,580.93	\$9,868.36	\$10,164.41	\$10,469.34
		\$46.29	\$47.68	\$49.11	\$50.58	\$52.10	\$53.66	\$55.27	\$56.93	\$58.64	\$60.40
Range 34		\$99,175.16	\$102,150.42	\$105,214.93	\$108,371.38	\$111,622.52	\$114,971.20	\$118,420.33	\$121,972.94	\$125,632.13	\$129,401.10
		\$8,264.60	\$8,512.53	\$8,767.91	\$9,030.95	\$9,301.88	\$9,580.93	\$9,868.36	\$10,164.41	\$10,469.34	\$10,783.42
		\$47.68	\$49.11	\$50.58	\$52.10	\$53.66	\$55.27	\$56.93	\$58.64	\$60.40	\$62.21
Range 35		\$102,150.42	\$105,214.93	\$108,371.38	\$111,622.52	\$114,971.20	\$118,420.33	\$121,972.94	\$125,632.13	\$129,401.10	\$133,283.13
		\$8,512.53	\$8,767.91	\$9,030.95	\$9,301.88	\$9,580.93	\$9,868.36	\$10,164.41	\$10,469.34	\$10,783.42	\$11,106.93
		\$49.11	\$50.58	\$52.10	\$53.66	\$55.27	\$56.93	\$58.64	\$60.40	\$62.21	\$64.08
Range 36	Fire Chief (S-6), Police Chief (S-8)	\$105,214.93	\$108,371.38	\$111,622.52	\$114,971.20	\$118,420.33	\$121,972.94	\$125,632.13	\$129,401.10	\$133,283.13	\$137,281.62
		\$8,767.91	\$9,030.95	\$9,301.88	\$9,580.93	\$9,868.36	\$10,164.41	\$10,469.34	\$10,783.42	\$11,106.93	\$11,440.14
		\$50.58	\$52.10	\$53.66	\$55.27	\$56.93	\$58.64	\$60.40	\$62.21	\$64.08	\$66.00
Range 37		\$108,371.38	\$111,622.52	\$114,971.20	\$118,420.33	\$121,972.94	\$125,632.13	\$129,401.10	\$133,283.13	\$137,281.62	\$141,400.07
		\$9,030.95	\$9,301.88	\$9,580.93	\$9,868.36	\$10,164.41	\$10,469.34	\$10,783.42	\$11,106.93	\$11,440.14	\$11,783.42
		\$52.10	\$53.66	\$55.27	\$56.93	\$58.64	\$60.40	\$62.21	\$64.08	\$66.00	\$67.98
Range 38	City Administrator (S-10)	\$111,622.52	\$114,971.20	\$118,420.33	\$121,972.94	\$125,632.13	\$129,401.10	\$133,283.13	\$137,281.62	\$141,400.07	\$145,642.07
		\$9,301.88	\$9,580.93	\$9,868.36	\$10,164.41	\$10,469.34	\$10,783.42	\$11,106.93	\$11,440.14	\$11,783.42	\$12,136.84
		\$53.66	\$55.27	\$56.93	\$58.64	\$60.40	\$62.21	\$64.08	\$66.00	\$67.98	\$70.02
Range 39		\$114,971.20	\$118,420.33	\$121,972.94	\$125,632.13	\$129,401.10	\$133,283.13	\$137,281.62	\$141,400.07	\$145,642.07	\$150,011.33
		\$9,580.93	\$9,868.36	\$10,164.41	\$10,469.34	\$10,783.42	\$11,106.93	\$11,440.14	\$11,783.42	\$12,136.84	\$12,500.94
		\$55.27	\$56.93	\$58.64	\$60.40	\$62.21	\$64.08	\$66.00	\$67.98	\$70.02	\$72.12
Range 40		\$118,420.33	\$121,972.94	\$125,632.13	\$129,401.10	\$133,283.13	\$137,281.62	\$141,400.07	\$145,642.07	\$150,011.33	\$154,511.67
		\$9,868.36	\$10,164.41	\$10,469.34	\$10,783.42	\$11,106.93	\$11,440.14	\$11,783.42	\$12,136.84	\$12,500.94	\$12,875.97
		\$56.93	\$58.64	\$60.40	\$62.21	\$64.08	\$66.00	\$67.98	\$70.02	\$72.12	\$74.28
Range 41		\$121,972.94	\$125,632.13	\$129,401.10	\$133,283.13	\$137,281.62	\$141,400.07	\$145,642.07	\$150,011.33	\$154,511.67	\$159,147.02
		\$10,164.41	\$10,469.34	\$10,783.42	\$11,106.93	\$11,440.14	\$11,783.42	\$12,136.84	\$12,500.94	\$12,875.97	\$13,262.25
		\$58.64	\$60.40	\$62.21	\$64.08	\$66.00	\$67.98	\$70.02	\$72.12	\$74.28	\$76.51
Range 42		\$125,632.13	\$129,401.10	\$133,283.13	\$137,281.62	\$141,400.07	\$145,642.07	\$150,011.33	\$154,511.67	\$159,147.02	\$163,921.44
		\$10,469.34	\$10,783.42	\$11,106.93	\$11,440.14	\$11,783.42	\$12,136.84	\$12,500.94	\$12,875.97	\$13,262.25	\$13,660.12
		\$60.40	\$62.21	\$64.08	\$66.00	\$67.98	\$70.02	\$72.12	\$74.28	\$76.51	\$78.81

Non-Represented Longevity Pay Policy	
AD-24, approved Aug. 20, 2018	
\$40.00/mo. beginning 6th year.	
Additional \$6.00/ mo. for each year after six.*	
Amount / mo.	Beginning "n th" year of employment...
\$40.00	6th year
\$46.00	7th year
\$52.00	8th year
\$58.00	9th year
\$64.00	10th year
\$70.00	11th year
\$76.00	12th year
\$82.00	13th year
\$88.00	14th year
\$94.00	15th year
\$100.00	16th year
\$106.00	17th year
\$112.00	18th year
\$118.00	19th year
\$124.00	20th year
\$130.00	21st year
\$136.00	22nd year
\$142.00	23rd year
\$148.00	24th year
\$154.00	25th year
\$160.00	26th year
\$166.00	27th year
\$172.00	28th year
\$178.00	29th year
\$184.00	30th year
\$190.00	31st year
\$196.00	32nd year
\$202.00	33rd year
\$208.00	34th year
\$214.00	35th year**

*Until end of continuous of employment with the City.
 **No current employee exceeds 35 yrs.

Non-Represented Employees		
Longevity Compensation as of 1/1/2019*		
Range	Position	Amount / mo.
9	Parks Administrative Assistant	\$118.00
10	Computer Support Technician	\$0.00
11	Parks Maint. Worker [A]	\$118.00
11	Parks Maint. Worker [B]	\$82.00
11	Parks Maint. Worker [C]	\$76.00
11	Parks Maint. Worker [D]	\$58.00
12	GIS Analyst	\$0.00
15	Street/Utility Technician	\$88.00
20	Building Official	\$0.00
21	City Clerk	\$40.00
24	Network Administrator	\$64.00
24	Human Resources Manager	\$0.00
25	PW Program Manager	\$118.00
27	Parks & Recreation Director	\$202.00
28	Planning & Community Dev. Dir.	\$0.00
30	Finance Director	\$0.00
32	Public Works Director	\$46.00
36	Fire Chief	\$0.00
36	Police Chief**	\$250.00
38	City Administrator	\$40.00

*Longevity increases in month of employee anniversary date.
 **Police Chief longevity rate "grandfathered" from former CBA.

Non-Represented Employees			
Other Compensation as of 1/1/2019			
Range	Position	Type	Amount / mo.
36	Police Chief*	Deferred Comp.	\$33.00
36	Fire Chief**	Deferred Comp.	\$630.19
38	City Administrator	Car Allowance	\$250.00

*Police Chief Deferred Comp. "grandfathered" from former CBA.
 **Fire Chief Deferred Comp. is social security replacement (6.2%).

Non-Represented Positions		
Annual Clothing Allowance as of 1/1/2020		
Range	Position	Amount / year
11	Parks Maintenance Worker	\$450
15	Street Utility Technician	\$450
20	Building Official	\$450
25	PW Program Manager	\$450
32	Assistant Fire Chief	Per Quartermaster
36	Fire Chief	Per Quartermaster
36	Police Chief	\$900

ADDENDUM L

Fire Facilities Mitigation Fund – Fees

As addressed in Lynden Municipal Code (LMC) Title 3, Chapter 3.44 and further described in Ordinance 1330, in consideration of the impacts of property development on fire service facilities.

Residential Applications	Current Fee (2019)	Proposed Fee (2020)
Single Family Unit or each Lot	\$517.00	\$517.00
Duplex Unit (each)	\$517.00	\$517.00
Mobile Home Unit on its own Lot	\$517.00	\$517.00
Multi-family Dwelling Unit (3 or more per building)	\$389.00	\$389.00
Mobile Home Unit within a MH Park	\$389.00	\$389.00
Non-Residential Application	Current Fee (2019)	Proposed Fee (2020)
Each Square Foot of Additional Floor Space on a Lot of Record	\$0.28 / square foot	\$0.28 / square foot
<p>Note – Fees and formulas previously appeared within Chapter 3.44 of the LMC. Addendum L of the 2020 Budget is proposed concurrently with Ordinance 1594 which amends LMC Title 3 to note fees by reference and implements an impact fee deferral option as required by RCW 82.02.050.</p>		

ADDENDUM M

Public Parks, Recreation Facilities, and Open Spaces Mitigation Assessments

As required in Lynden Municipal Code (LMC) Title 3, Chapter 3.40 and further described in Ordinance 1197, this addendum addressed the impacts of property development on public parks, recreation facilities, and open spaces. When the dedication of land does not meet the criteria established under the Park and Trail Master Plan, the following mitigation assessment shall be applied.

Residential Applications	Current Fee (2019) (established in 2004)	Proposed Fee (2020)
Single Family Unit or each Lot	\$936.00	\$936.00
Duplex Unit (each)	\$936.00	\$936.00
Mobile Home Unit on its own Lot	\$936.00	\$936.00
Multi-family Dwelling Unit (3 or more per building)	\$546.00	\$546.00
Non-Residential Application	Current Fee (2019)	Proposed Fee (2020)
Each Square Foot of Additional Floor Space on a Lot of Record		
General Commercial	\$234.00 / 1000 square feet	\$234.00 / 1000 square feet
Retail	\$140.00 / 1000 square feet	\$140.00 / 1000 square feet
Manufacturing or Warehouse Space	\$94.00 / 1000 square feet	\$94.00 / 1000 square feet
Assembly (i.e. schools, churches)	\$47.00 / 1000 square feet	\$47.00 / 1000 square feet
<p>Note – Fees and formulas previously appeared within “Exhibit A” of Chapter 3.40.080 of the LMC. Addendum M of the 2020 Budget is proposed concurrently with Ordinance 1594 which amends LMC Title 3 to note fees by reference, and implements an impact fee deferral option as required by RCW 82.02.050.</p>		

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	December 2, 2019	
Name of Agenda Item:	Award Contract for Line Road Safety Improvements	
Section of Agenda:	New Business	
Department:	Public Works	
Council Committee Review:	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input checked="" type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
	Legal Review: <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required	
Attachments:		
Bid Tabulation and Engineer's Recommendation to Award Letter		
Summary Statement:		
<p>This small works contract provides for the construction of approximately 1,750 linear feet of pedestrian safety improvements along the east side of Line Road from Bradley to just south of Burlwood. This is a corridor used by school children, therefore the City has expedited this safety improvement project ahead of the future full improvement of the road to City Standards when funding is available. The work includes a gravity block wall and new storm drainage improvements.</p> <p>The four bids received today are noted on the attached Bid Tabulation, and Reichhardt & Ebe Engineering determined that Tiger Construction LTD. submitted the lowest responsive and responsible bid for Schedules A and B in the amount of 256,142.85.</p>		
Recommended Action:		
That City Council Award the bid for Line Road Safety Improvements to Tiger Construction LTD in the amount of \$256,142.85; and authorize the Mayor to sign the contract.		



December 2, 2019

City of Lynden
300 4th Street
Lynden, WA 98264

Attn: Mark Sandal
Programs Manager

**RE: Line Rd. Pedestrian Safety Improvements
Recommendation to Award**

Dear Mr. Sandal,

We have reviewed all construction bid proposals for the above referenced project. Tiger Construction, LTD provided the lowest responsive bid for Schedules A and B at \$256,142.85. Please note that the low bid was adjusted due to mathematical errors.

We recommend that the City of Lynden award the contract to Tiger Construction, LTD subject to the following:

- Availability of the required project funds

Sincerely,

A handwritten signature in blue ink, appearing to read 'I. Hinton', with a long horizontal flourish extending to the right.

Ian Hinton, P.E.
Reichhardt & Ebe Engineering, Inc.



423 Front Street
Lynden, WA 98264
Phone: (360) 354-3687



Called By: For:		Bidder's Name Address		Engineer's Estimate		1		2		3		4		Average (Excluding Engineer's Estimate)	Standard Deviation (Excluding Engineer's Estimate)
City of Lynden LINE RD. PEDESTRIAN SAFETY IMPROVEMENTS 300 4th Street Lynden, WA 98264						Tiger Construction PO Box 368 Everson, WA 98247		Stremler Gravel Inc. PO Box 527 Lynden, WA 98264		DeKoster Excavating, Inc. 9602 Double Ditch Rd. Lynden, WA 98264		Colacurcio Brothers Const. Co., Inc. 3287 H Street Rd. Blaine, WA 98230			
Item No.	Item Description	Quantity	Unit	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount		
Schedule A - Roadway and Storm															
1	Mobilization	1	LS	\$ 25,000.00	\$ 25,000.00	\$ 16,200.00	\$ 16,200.00	\$ 18,000.00	\$ 18,000.00	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00	\$ 23,550.00	\$ 7,483.98
2	SPCC Plan	1	LS	\$ 250.00	\$ 250.00	\$ 210.00	\$ 210.00	\$ 250.00	\$ 250.00	\$ 500.00	\$ 500.00	\$ 1,000.00	\$ 1,000.00	\$ 490.00	\$ 363.41
3	Temporary Trench Patch	200	SF	\$ 5.00	\$ 1,000.00	\$ 15.00	\$ 3,000.00	\$ 4.50	\$ 900.00	\$ 9.00	\$ 1,800.00	\$ 35.00	\$ 7,000.00	\$ 15.88	\$ 13.46
4	Project Temporary Traffic Control	1	LS	\$ 10,000.00	\$ 10,000.00	\$ 25,500.00	\$ 25,500.00	\$ 28,500.00	\$ 28,500.00	\$ 18,000.00	\$ 18,000.00	\$ 86,000.00	\$ 86,000.00	\$ 39,500.00	\$ 31,312.94
5	Clearing and Grubbing	1	LS	\$ 7,500.00	\$ 7,500.00	\$ 5,500.00	\$ 5,500.00	\$ 6,000.00	\$ 6,000.00	\$ 16,000.00	\$ 16,000.00	\$ 5,500.00	\$ 5,500.00	\$ 8,250.00	\$ 5,172.04
6	Removal of Structures and Obstructions	1	LS	\$ 2,500.00	\$ 2,500.00	\$ 1,100.00	\$ 1,100.00	\$ 3,200.00	\$ 3,200.00	\$ 5,000.00	\$ 5,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,825.00	\$ 1,685.97
7	Sawcut ACP	5,475	LF-IN	\$ 0.60	\$ 3,285.00	\$ 0.60	\$ 3,285.00	\$ 0.50	\$ 2,737.50	\$ 1.10	\$ 6,022.50	\$ 1.00	\$ 5,475.00	\$ 0.80	\$ 0.29
8	Roadway Excavation Incl. Haul	104	CY	\$ 15.00	\$ 1,560.00	\$ 18.00	\$ 1,872.00	\$ 28.00	\$ 2,912.00	\$ 30.00	\$ 3,120.00	\$ 50.00	\$ 5,200.00	\$ 31.50	\$ 13.40
9	Gravel Borrow Incl. Haul	145	TON	\$ 40.00	\$ 5,800.00	\$ 20.00	\$ 2,900.00	\$ 24.00	\$ 3,480.00	\$ 25.00	\$ 3,625.00	\$ 35.00	\$ 5,075.00	\$ 26.00	\$ 6.38
10	Water	10	M GAL.	\$ 35.00	\$ 350.00	\$ 55.00	\$ 550.00	\$ 35.00	\$ 350.00	\$ 50.00	\$ 500.00	\$ 10.00	\$ 100.00	\$ 37.50	\$ 20.21
11	Shoring or Extra Excavation Class B, Incl. Haul	3,925	SF	\$ 1.00	\$ 3,925.00	\$ 0.04	\$ 157.00	\$ 0.10	\$ 392.50	\$ 1.00	\$ 3,925.00	\$ 0.10	\$ 392.50	\$ 0.31	\$ 0.46
12	Gravel Base	430	TON	\$ 18.00	\$ 7,740.00	\$ 20.00	\$ 8,600.00	\$ 50.00	\$ 21,500.00	\$ 33.50	\$ 14,405.00	\$ 18.50	\$ 7,955.00	\$ 30.50	\$ 14.65
13	Crushed Surfacing Top Course	150	TON	\$ 50.00	\$ 7,500.00	\$ 37.00	\$ 5,550.00	\$ 100.00	\$ 15,000.00	\$ 60.00	\$ 9,000.00	\$ 50.00	\$ 7,500.00	\$ 61.75	\$ 27.18
14	Commercial HMA	160	TON	\$ 175.00	\$ 28,000.00	\$ 211.00	\$ 33,760.00	\$ 207.50	\$ 33,200.00	\$ 240.00	\$ 38,400.00	\$ 200.00	\$ 32,000.00	\$ 214.63	\$ 17.53
15	Wooden Pedestrian Railing	50	LF	\$ 160.00	\$ 8,000.00	\$ 234.00	\$ 11,700.00	\$ 180.00	\$ 9,000.00	\$ 150.00	\$ 7,500.00	\$ 75.00	\$ 3,750.00	\$ 159.75	\$ 66.33
16	Infiltration Trench	45	LF	\$ 75.00	\$ 3,375.00	\$ 113.00	\$ 5,085.00	\$ 135.00	\$ 6,075.00	\$ 212.00	\$ 9,540.00	\$ 140.00	\$ 6,300.00	\$ 150.00	\$ 42.97
17	Corrugated Polyethylene Storm Sewer Pipe 12 In. Diam.	550	LF	\$ 48.00	\$ 26,400.00	\$ 39.00	\$ 21,450.00	\$ 55.50	\$ 30,525.00	\$ 38.00	\$ 20,900.00	\$ 42.00	\$ 23,100.00	\$ 43.63	\$ 8.10
18	Catch Basin Type 1	6	EA	\$ 1,500.00	\$ 9,000.00	\$ 1,350.00	\$ 8,100.00	\$ 1,500.00	\$ 9,000.00	\$ 1,015.00	\$ 6,090.00	\$ 2,250.00	\$ 13,500.00	\$ 1,528.75	\$ 521.83
19	Catch Basin Type 2 48 In. Diam.	3	EA	\$ 3,500.00	\$ 10,500.00	\$ 2,800.00	\$ 8,400.00	\$ 3,400.00	\$ 10,200.00	\$ 2,750.00	\$ 8,250.00	\$ 3,500.00	\$ 10,500.00	\$ 3,112.50	\$ 392.38
20	Adjustments to Finished Grade	1	LS	\$ 2,500.00	\$ 2,500.00	\$ 2,000.00	\$ 2,000.00	\$ 1,600.00	\$ 1,600.00	\$ 1,000.00	\$ 1,000.00	\$ 1,100.00	\$ 1,100.00	\$ 1,425.00	\$ 464.58
21	Erosion Control and Water Pollution Prevention	1	LS	\$ 2,500.00	\$ 2,500.00	\$ 1,400.00	\$ 1,400.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,875.00	\$ 2,875.00	\$ 2,068.75	\$ 607.38
22	Topsoil Type A	650	SY	\$ 15.00	\$ 9,750.00	\$ 8.30	\$ 5,395.00	\$ 13.00	\$ 8,450.00	\$ 13.00	\$ 8,450.00	\$ 20.00	\$ 13,000.00	\$ 13.58	\$ 4.82
23	Sod Installation	600	SY	\$ 15.00	\$ 9,000.00	\$ 9.00	\$ 5,400.00	\$ 14.00	\$ 8,400.00	\$ 16.00	\$ 9,600.00	\$ 13.00	\$ 7,800.00	\$ 13.00	\$ 2.94
24	Landscape Restoration	1	EST	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ -
25	Extruded Curb	800	LF	\$ 15.00	\$ 12,000.00	\$ 9.90	\$ 7,920.00	\$ 10.00	\$ 8,000.00	\$ 10.00	\$ 8,000.00	\$ 22.00	\$ 17,600.00	\$ 12.98	\$ 6.02
26	Recessed Pavement Marker	1.20	HUN	\$ 10,000.00	\$ 12,000.00	\$ 5,936.00	\$ 7,123.20	\$ 6,000.00	\$ 7,200.00	\$ 6,000.00	\$ 7,200.00	\$ 600.00	\$ 720.00	\$ 4,634.00	\$ 2,689.50
27	Mailbox Support, Type 1	2	EA	\$ 500.00	\$ 1,000.00	\$ 90.00	\$ 180.00	\$ 700.00	\$ 1,400.00	\$ 500.00	\$ 1,000.00	\$ 500.00	\$ 1,000.00	\$ 447.50	\$ 256.30
28	Permanent Signing	1	LS	\$ 2,500.00	\$ 2,500.00	\$ 2,100.00	\$ 2,100.00	\$ 2,700.00	\$ 2,700.00	\$ 1,000.00	\$ 1,000.00	\$ 2,000.00	\$ 2,000.00	\$ 1,950.00	\$ 704.75
29	Paint Line	4,795	LF	\$ 1.00	\$ 4,795.00	\$ 0.66	\$ 3,164.70	\$ 0.70	\$ 3,356.50	\$ 0.70	\$ 3,356.50	\$ 2.00	\$ 9,590.00	\$ 1.02	\$ 0.66
30	Plastic Stop Line	32	LF	\$ 25.00	\$ 800.00	\$ 22.00	\$ 704.00	\$ 22.50	\$ 720.00	\$ 22.00	\$ 704.00	\$ 30.00	\$ 960.00	\$ 24.13	\$ 3.92
31	Plastic Crosswalk Line	304	SF	\$ 10.00	\$ 3,040.00	\$ 9.90	\$ 3,009.60	\$ 10.00	\$ 3,040.00	\$ 10.00	\$ 3,040.00	\$ 20.00	\$ 6,080.00	\$ 12.48	\$ 5.02
32	Removing Paint Line	4,795	LF	\$ 3.00	\$ 14,385.00	\$ 1.43	\$ 6,856.85	\$ 1.45	\$ 6,952.75	\$ 1.45	\$ 6,952.75	\$ 2.00	\$ 9,590.00	\$ 1.58	\$ 0.28
33	Gravity Block Wall	285	SF	\$ 60.00	\$ 17,100.00	\$ 42.00	\$ 11,970.00	\$ 84.50	\$ 24,082.50	\$ 75.00	\$ 21,375.00	\$ 50.00	\$ 14,250.00	\$ 62.88	\$ 20.13
34	Structure Excavation Class B Incl. Haul	55	CY	\$ 40.00	\$ 2,200.00	\$ 22.00	\$ 1,210.00	\$ 31.25	\$ 1,718.75	\$ 25.00	\$ 1,375.00	\$ 60.00	\$ 3,300.00	\$ 34.56	\$ 17.39
35	Shoring or Extra Excavation Class B, Incl. Haul	120	SF	\$ 1.00	\$ 120.00	\$ 2.00	\$ 240.00	\$ 0.10	\$ 12.00	\$ 1.00	\$ 120.00	\$ 1.00	\$ 120.00	\$ 1.03	\$ 0.78
36	Pothole Existing Underground Utility	5	EA	\$ 350.00	\$ 1,750.00	\$ 430.00	\$ 2,150.00	\$ 450.00	\$ 2,250.00	\$ 400.00	\$ 2,000.00	\$ 300.00	\$ 1,500.00	\$ 395.00	\$ 66.58
37	Repair Existing Public and Private Facilities	1	EST	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ -
Total Schedule A					\$ 277,125.00	\$ 243,742.35	\$ 303,104.50	\$ 299,750.75	\$ 363,832.50						
Schedule B - Water Main															
38	PVC Pipe for Water Main 12 In. Diam.	70	LF	\$ 50.00	\$ 3,500.00	\$ 60.00	\$ 4,200.00	\$ 145.00	\$ 10,150.00	\$ 235.00	\$ 16,450.00	\$ 70.00	\$ 4,900.00	\$ 127.50	\$ 81.09
39	Shoring or Extra Excavation Trench	325	SF	\$ 1.00	\$ 325.00	\$ 0.64	\$ 208.00	\$ 0.10	\$ 32.50	\$ 5.00	\$ 1,625.00	\$ 1.00	\$ 325.00	\$ 1.69	\$ 2.24
40	Connect to Existing Water Main	2	EA	\$ 2,000.00	\$ 4,000.00	\$ 3,500.00	\$ 7,000.00	\$ 1,400.00	\$ 2,800.00	\$ 1,500.00	\$ 3,000.00	\$ 3,500.00	\$ 7,000.00	\$ 2,475.00	\$ 1,184.27
Subtotal Schedule B					\$ 7,825.00	\$ 11,408.00	\$ 12,982.50	\$ 21,075.00	\$ 12,225.00						
Sales Tax (8.7%)					\$ 680.78	\$ 992.50	\$ 1,129.48	\$ 1,833.53	\$ 1,063.58						
Total Schedule B					\$ 8,505.78	\$ 12,400.50	\$ 14,111.98	\$ 22,908.53	\$ 13,288.58						
TOTAL SCH A & SCH B (INCL SALES TAX)					\$ 285,630.78	\$ 256,142.85	\$ 317,216.48	\$ 322,659.28	\$ 377,121.08						

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	December 2, 2019	
Name of Agenda Item:	3MG Reservoir Roof Coating Contract	
Section of Agenda:	New Business	
Department:	Public Works	
Council Committee Review:	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input checked="" type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
		Legal Review: <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
Attachments:		
Engineer's Recommendation to Award		
Summary Statement:		
<p>For the second time, through the Small Works process, staff solicited bids for roof coating of the 3MG Fairgrounds steel water storage tank. Per direction of the Public Works Committee in September, the first bids were rejected and staff was directed to re-solicit bids to try and get more cost-friendly bids. The engineer's estimate is \$350,000, including taxes.</p> <p>The following two bids were received:</p> <ol style="list-style-type: none"> 1) HCI Industrial & Marine Coatings, Inc. - \$296,751.00, including tax 2) Partner Industrial - \$348,775.00, including tax <p>The Engineer has provided a recommendation, and staff is recommending that City Council award the bid to HCI Industrial who is the lowest responsive and responsible bid.</p>		
Recommended Action:		
That City Council award the contract for the 3MG Reservoir Roof Coating project to HCI Industrial & Marine Coatings in the amount of \$296,751.00, including tax, and authorize the Public Works Director to sign the Notice of Award and Notice to Proceed.		

November 20, 2019



204

Mr. Mike Kim
Plant Superintendent
City of Lynden
300 4th Street
Lynden, WA 98264

P.O. Box 905 Burlington, WA 98233
Phone: (360) 391-1041 Cell: (360) 391-0822

SUBJECT: City of Lynden - Fairgrounds 3.0 MG Reservoir Roof Recoating Project

Mr. Kim,

Northwest Corrosion Engineering has completed a review of the provided contractor bid submissions for the subject project, with HCI providing the lowest bid.

I completed a project in late summer this year where HCI was involved with cleaning, surface preparation, and coating of two water storage tanks in Bremerton. The tank's had lead based paint that required collection and disposal. HCI went through the effort of laying tarps all around the tank bases in order to capture coating that was removed during the cleaning process. They had individuals sweeping the tarps and collecting debris on a daily basis. There were also times where they had someone with a vacuum walking in grassy un-tarped areas sucking up any debris they found.

The HCI foreman participated in my inspection walk through's and he would note areas that needed additional work or spots that were missed during their work. They never argued or hesitated to make repairs that I had marked. There was even an instance where the coating supplier provided paint that was of a slightly different shade than the other supplied material, resulting in a top coat that was not uniform in color. They obtained new paint, applied it to the affected areas and did not ask for change orders or additional time to complete the work (I don't know what transpired between HCI and the coating manufacturer, but the owner did not have to get involved).

I am happy to recommend HCI for this work. I expect the project to go smoothly and that the City will end up with a quality product.

If you have any questions or would like additional information, please do not hesitate to contact our office.

Sincerely,
Northwest Corrosion Engineering

A handwritten signature in blue ink that reads 'Jeremy A. Hailey'. The signature is written in a cursive, flowing style.

Jeremy A. Hailey, P.E.

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	December 2, 2019	
Name of Agenda Item:	Interlocal Agreement – Implementation Guidelines for County Wayfinding Signs	
Section of Agenda:	New Business	
Department:	Planning	
Council Committee Review:	<input checked="" type="checkbox"/> Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
Legal Review:	<input checked="" type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input type="checkbox"/> Review Not Required	
Attachments:	Interlocal Cooperation Agreement Amendment Between Whatcom County and the Cities of Whatcom County for the Purpose of Implementing a Countywide Regional Wayfinding and Gateway Program	
Summary Statement:	<p>The Bellingham Whatcom County Tourism Office have been working cooperatively with the jurisdictions of Whatcom County to develop a regional wayfinding sign program. The program includes coordinating roadway and pedestrian signs for locations throughout the County. Although the County is divided into 3 regions and each of the cities have unique identity icons, the program is meant to provide continuity and guidance to visitors in support of tourism activities throughout the County. More specifically, the sign program within Lynden’s boundaries seeks to raise a visitor’s awareness to other destinations within the city by directing visitors to downtown from Bender Fields, the Fairgrounds, or Homestead golf course.</p> <p>The Downtown Business Association is advocating for the program while the Chamber of Commerce expressed concerns related to the overall value of the project. In anticipation of this agreement the Lodging Tax Advisory Committee voted to provide funding in the amount of \$22,000 for year one of a multi-year sign program implementation.</p> <p>It is important to note that the attached agreement does not obligate the City of Lynden to install signs. Instead the agreement:</p> <ul style="list-style-type: none"> • Outlines the standards by which signs would be installed if / when the City participated; • Makes the City eligible to receive County funding for half of the vehicular signs which are installed; • Includes Lynden signs in the WSDOT review; • Allows the City to choose which signs to install and take measures to reduce the overall cost. 	
Recommended Action:	Motion to authorize the Mayor’s signature on the Interlocal Cooperation Agreement Amendment Between Whatcom County and the Cities of Whatcom County for the Purpose of Implementing a Countywide Regional Wayfinding and Gateway Program	

**Interlocal Cooperation Agreement
Between Whatcom County and the Cities of Whatcom County
For the Purpose of Implementing a Countywide Regional Wayfinding and Gateway Program**

This agreement is entered into between Whatcom County (“County”) and the Cities of Bellingham, Blaine, Ferndale, Lynden, Everson, and Sumas (“Cities”) for the purpose of implementing a countywide wayfinding and gateway feature placement program. This Agreement addresses cost sharing and the two phases of implementation of a Countywide Regional Wayfinding and Gateway Program.

WHEREAS, in 2015 Bellingham Whatcom County Tourism used County and City Lodging Tax Funds to contract with Roger Brooks International to perform an Opportunity Assessment of our region; and

WHEREAS, the Roger Brooks Assessment was presented to the County and Cities (together “Parties”) and provided a detailed study that identified several challenges and deficiencies in the County’s existing wayfinding system as well as several opportunities that could be capitalized for the greater benefit of the region; and

WHEREAS, in 2017 Bellingham Whatcom County Tourism contracted with a project management firm, MERJE, to identify methods for developing a countywide wayfinding program; and

WHEREAS, Bellingham Whatcom County Tourism worked with MERJE to solicit participation from each of the Cities and the County in developing a comprehensive program that includes sign design, sign placement, and sign content identifying primary and secondary travel routes in the region; and

WHEREAS, the Parties wish to support the project through the implementation phase; and

WHEREAS, the County and the Cities have all agreed to fund the project through their available funds as described in Exhibit B, Cost Sharing Plan, subject to council approval of future budget actions;

NOW THEREFORE, in consideration of the mutual covenants contained herein, the Parties agree as follows:

ARTICLE 1. PURPOSE AND SCOPE

The purpose of this Agreement is to establish a coordinated Regional Wayfinding and Gateway Program (“Program”), which is designed to establish a consistent identity throughout the region and provide visitors a seamless journey and experience, which will benefit each community, including Program implementation, budgeting, cost sharing and Program maintenance plan, as outlined herein. The Parties intend that any future task orders entered for said Program be accomplished under the umbrella of and in accordance with this Agreement.

ARTICLE 2. ADMINISTRATION

This Agreement shall be administered by Whatcom County, by and through the Whatcom County Executive or his or her designee. No separate legal or administrative entity is established under this Agreement.

ARTICLE 3. PROGRAM PHASES

The Parties agree to support and fulfil the Program implementation through a three-phase approach.

1. Phase 1: Implementation Planning and Budgeting. Program implementation planning and budgeting includes but is not limited to:

A. Washington State Department of Transportation (WSDOT) Signage review:

1. City of Bellingham shall initiate the required Washington State Department of Transportation (WSDOT) review and approval for signage on WSDOT right-of-ways.
2. When coordination between the other Parties is needed for the WSDOT review, all Parties will facilitate that review in an expedient manner. Whatcom County's Project Manager will coordinate responses, as appropriate.
3. City of Bellingham and Whatcom County agree to equally share in the cost of WSDOT review, in an amount not to exceed \$40,000 collectively.

B. Program Management:

1. Whatcom County will issue a Request for Qualifications (RFQ) to hire a Program Management firm or Program Manager. The County will contract with the Program Management Firm or Program Manager on behalf of the Parties, who will oversee the following, or similar tasks:
 - a. Work with MERJE to complete a bid-ready set of construction documents, including engineering review of the documents, provided by a Washington State licensed engineer. This may require hiring an engineering firm directly.
 - b. Develop an updated engineer's cost estimate of the bid-ready construction plans.
 - c. Develop a Management and Maintenance plan, utilizing the Management & Maintenance Wayfinding Tools, March 29, 2018 document as a framework as outlined in Exhibit A, Management and Maintenance Project Plan.
 - d. Other tasks as determined in consultation with the Parties.

C. Program Budget:

1. Whatcom County shall set up a separate County cost center for the purposes of tracking and auditing the revenue and expenditures for the Program.
2. All Parties shall engage their respective committees and council to secure the required funding commitment for the implementation of the Program prior to the end of 2019.
3. All Parties will pay their proportionate share, based upon Exhibit B, of the cost of the Program Management Services described in section 3.1.B, including all costs to complete engineering and a bid-ready set of construction documents and specifications.

2. Phase 2: Program Management, Design, Procurement and Installation.

A. Cost Sharing Agreement:

1. The Parties will provide Whatcom County with revenue to carry out the Program as outlined in Exhibit B, Cost-Sharing Plan, subject to subsection 3.2.C below, and as modified by task order entered pursuant to Article 4.
2. The respective cost-share of each Party for all management, design, procurement, and installation related to the Program shall be as outlined in Exhibit B, Cost-Sharing Plan, subject to subsection 3.2.C below. Parties will be billed for actual costs commensurate for their respective share as set forth in Exhibit B for the purposes specified in this Agreement, or as otherwise modified pursuant to subsection 3.2.C.
3. This Cost Sharing Plan may be amended based upon updated design, fabrication methods, implementation strategy, financing strategy, engineer's estimate, etc., pursuant to subsection 3.2.C and through execution of a task order per Article 4.
4. Each jurisdiction agrees to work with the Program Manager to finalize their respective jurisdiction's vehicular, parking, and/or pedestrian portion of the Program cost estimates of the Cost Sharing Agreement.

B. Program Management:

1. Whatcom County shall contract for the Program Management services for Phase 2 implementation.
2. Whatcom County's responsibility to contract for the Program Management services of Phase 2 implementation will include

procurement, bidding, contract management, installation oversight, approval process, project acceptance, and other activities related to Program management; except as otherwise directed pursuant to subsection 3.2.C and task order under Article 4.

C. Choices by Parties and Costs:

1. Approval Authority. Each of the Parties shall have the authority to approve or disapprove the design, materials, and implementation strategy and methods for any sign or other products developed under this Agreement for use within its jurisdiction. None of the Parties shall be required to share in the costs of design, procurement, or installation of signs or other products produced under this Agreement which they have not previously approved, including costs identified in Exhibit B. Said approval of a Party shall be entered by task order.
 2. Independent Bids. Each of the Parties shall have the right to procure, acquire, and install any agreed upon sign or product design through its own separate public bidding, purchasing, procurement, or installation process, at its own expense.
- 3. Phase 3: On-going Management, Maintenance, Replacement, and Decommissioning Plan.**
1. The Parties will prepare a long-term Management, Maintenance and Replacement and Decommissioning Plan ("Plan") that will incorporate findings and recommendations into a separate interlocal agreement or an amendment of this Agreement.
 2. The Parties will pay their fair share of all long-term management, maintenance, replacements, and decommissioning related to the Program, in the proportion established in Exhibit B, unless otherwise modified pursuant to subsection 3.2.C above. Parties will be billed for actual costs commensurate for their respective share, for the purposes specified in the Plan.
- 4. Property Ownership.** For any personal or real property ("Property") acquired pursuant to expenditures identified in Exhibit B of this Agreement; the ownership of such Property shall be determined by its locus. Property to be located within one of the Cities shall become the Property of that City. Property located in the County but outside any of the Cities shall become the Property of the County. Property with an indeterminate location, shall become the Property of the County.

ARTICLE 4. MANAGEMENT AND ADDITIONAL COMMITMENTS

During the term of this Agreement, individual Parties may make independent decisions on the subject of this Agreement, best suited to that individual community, which will result in an exceedance or reduction of the costs outlined in Exhibit B and may increase or reduce its individual cost allocation and pro rata share set forth in Exhibit B. Decisions by individual Parties resulting in cost allocations or pro rata shares at variance with Exhibit B, shall be accomplished by task order in accordance with this Article 4.

4.1 *Services, Materials, and Products Defined by Task Order.* Consistent with the achievement of a common objective to further the purpose of this Agreement, each Party may make independent decisions regarding services, materials, and products as described in subsection 3.2.C, which may increase or decrease its cost allocation and pro rata share otherwise due under Exhibit B. Any such independent decision shall be reflected by execution of a task order by the Party, which shall describe the variation in services, materials, and/or products resulting in a change to Exhibit B. Specification of services, materials, and/or products for each Party shall be delineated in sequentially numbered task orders.

4.2 *Agreement for Task Order and Funding.* Each task order shall be signed by the authorized signer for the Party providing the task order and shall be delivered to the County. Any task order which by its own terms requires the written agreement of one or more other Parties shall identify such Parties and be signed by the authorized signer for each of them. Funding for each task order, each Parties share of such funding or expense, and any limitations thereon, shall also be specified and agreed upon in each separate task order. The maximum budget for a task order shall not be exceeded without the mutual written agreement of the Parties to the task order by execution of an amended task order. In the event one Party unilaterally directs an outside consultant to expand the scope of work or increase the cost beyond what is authorized a task order entered in accordance with this Agreement, said Party providing such direction to the consultant shall be solely responsible for that portion of the cost in excess of the maximum budget agreed upon.

4.3 *Minimum Process Requirements.* The acquisition of any additional outside services or materials pursuant to this Agreement, shall comply with the minimum requirements applicable to the Parties under federal and state law, and local ordinances and policies, including without limitation requirements for requests for qualifications, requests for proposals, and for bidding.

4.4 *Ownership of Property Acquired.* For any Property acquired pursuant to a task order, the task order shall specify the Party which will own and be responsible for the Property. No Party shall obtain, accept, or acquire any real or personal property under this Agreement, in excess of what is authorized herein, without executing a task order or amendment of this Agreement specifying the manner of acquiring, holding and disposing of real and/or personal property.

ARTICLE 5. PAYMENT

5.1 *Invoice Transmittal.* Following receipt by any Party of an invoice from the County for services and/or materials authorized pursuant to Exhibit B or a task order, said Party shall transmit a copy of the invoice for such services and/or materials to the County along with payment. The Parties shall make a good faith effort to review invoices without delay and to indicate any disapproval of same in writing within one (1) week of their receipt. The Parties shall attempt to resolve payment disputes as quickly as possible.

5.2 *Failure to Pay.* In the event that a Party does not pay its share of an invoice for its obligations under Exhibit B or an agreed task order within thirty (30) days from the date of receipt, the County may provide the non-paying Party a notice of intent to suspend and/or direct the suspension of all or any portion of the work authorized by this Agreement on behalf of the non-paying Party. If no payment or authorization of payment is forthcoming from the non-paying Party within five (5) days of its receipt of a notice of intent to suspend work, the County may in its sole discretion suspend and/or direct the suspension of all or any portion of the work authorized by this Agreement on behalf of the non-paying Party. The County shall under no circumstances be required to pay the non-paying Party's share, but may do so in its sole discretion without prejudice to any future determination that the non-paying Party is liable for reimbursement of such payment under this Agreement.

ARTICLE 6. DURATION

This Agreement shall be effective upon signature of the Parties and shall remain in effect for five (5) years, unless otherwise earlier terminated pursuant to Article 5. The Parties may extend the term of this Agreement for two (2) additional five (5) year terms by mutual written agreement.

ARTICLE 7. TERMINATION AND WITHDRAWAL

7.1 *Required Notice.* This Agreement may be terminated by the County, or by any three other Parties at any time, with or without cause, by providing ninety (90) days prior written notice thereof to the other Parties.

7.2 *Costs and Fees.* Upon termination, each Party shall be responsible for its share of the fees and costs incurred up to the date of termination in accordance with the terms herein.

7.3 *One Party Withdrawal.* Except for the County, one or two Parties may not unilaterally terminate this Agreement, but any Party may withdraw from it by providing ninety (90) days prior written notice. Upon withdrawal, each withdrawing Party shall be responsible for its share of the fees and costs incurred up to the date of withdrawal in accordance with the terms herein.

7.4 *Disputes.* In the event the Parties cannot agree to resolution of any dispute relating to termination within sixty (60) days before or after of the termination date of this Agreement, then the dispute shall be processed in accordance with Section 8.2 herein before any litigation is initiated.

ARTICLE 8. ADMINISTRATIVE; OTHER PROVISIONS

8.1 *Notice.* All Parties agree to coordinate with the implementation and maintenance of the Program by identifying the appropriate representative in their respective Administration and Public Works Departments and will submit contact information to the Whatcom County Administrative Services Coordinator within 30 days of execution of this Agreement. The County shall then distribute said contact information to the Cities. Notice shall be deemed received by a Party if and when it is either hand delivered, faxed, mailed, or emailed to such address as is provided by such Party. Facsimile or email transmission or retransmission of any signed original document shall be the same as delivery of an original document.

8.2 *Dispute Resolution.* Any dispute arising out of the terms and conditions of this Agreement shall first be subject to the following mediation process. If a dispute shall arise, a meeting shall be held promptly between the Parties to attempt in good faith to negotiate a resolution to the dispute. For purposes of this section 8.2 “promptly” shall mean within fourteen (14) calendar days of a Party requesting a meeting to resolve a dispute. If within ten (10) days after such meeting the Parties have not succeeded in resolving the dispute, then the dispute shall be mediated. Any Party may provide written notice to the others that the dispute shall be submitted to mediation and a mediator shall be selected. In the event that within seven (7) days of receipt of said written notice the Parties are unable to agree on a mediator, any Party may request appointment of a mediator by the Whatcom County Superior Court. The Parties shall cooperate to assure that mediation occurs in a timely manner and shall supply all materials provided to the mediator to the other Parties at least two (2) days before mediation. Engaging in mediation shall not affect any claim, right, remedy, or defense of any Party. Should mediation prove unsuccessful, all claims, rights, remedies and defenses of each party shall be preserved.

8.3 *Parties Are Separate Entities.* The Parties are separate and independent public entities operating pursuant to the terms and conditions of this Agreement. No agent, employee, or representative of a Party to this Agreement shall be deemed to be an agent, employee, or representative of any other Party for any purpose.

8.4 *Mutual Release.* To the extent permitted by law, each Party hereby releases every other Party, its successors and assigns, council members, officers, employees, agents, and representatives from any and all claims, losses, injuries, harm, liabilities, damages, costs, charges and expenses including all reasonable and necessary attorney’s fees incurred in connection with performance under this Agreement.

8.5 *Mutual Indemnification.* Each Party shall indemnify, defend, and hold harmless each and every other Party, its officers, agents and employees from all suits, claims or liabilities of any nature, including attorney fees, costs and expenses, for or on account of injuries or damages sustained by any person or property resulting from acts or omissions of said Party, its agents or employees in connection with performance under this Agreement.

8.6 *Nonwaiver of Breach.* Failure of any Party at any time to require performance of any provision of this Agreement shall not limit such Party’s right to enforce such provision, nor shall any waiver of any breach of any provision of this Agreement constitute a waiver of any succeeding breach of such provision or a waiver of such provision itself.

8.7 Severability. If any term or provision of this Agreement or the application thereof to any person, entity or circumstance shall to any extent be invalid or unenforceable, the remainder of this Agreement and the application of such term or provision to persons, entities or circumstances other than those as to which it is held invalid or unenforceable shall not be affected thereby, and each term or provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

8.8 Governing Law. The laws of the State of Washington shall govern any disputes arising under this Agreement.

8.9 Venue. Subject to section 8.2 herein, any disputes shall be adjudicated in the Superior Court for Whatcom County, Washington, unless otherwise agreed.

8.10 Section Headings. Section headings or captions are for reference only and shall not affect the construction or interpretation of this Agreement.

8.11 Applicability. This Agreement shall not supersede any existing agreements, interlocal agreements and amendments to interlocal agreements in effect between any of the Parties as of the date of this Agreement.

8.12 Entire Agreement – Modifications Must Be In Writing. This Agreement constitutes the entire agreement between the Parties as to the matters contained herein. This Agreement may be modified in writing only, upon mutual agreement of the Parties.

IN WITNESS WHEREOF, the parties have executed this Agreement this ____ day of _____, 2019.

**Accepted for the
CITY OF BELLINGHAM**

Mayor

Attest:

Approved as to Form:

City Finance Director

Office of the City Attorney

State of Washington)
) ss.
County of Whatcom)

On this ____ day of _____, 20__, before me personally appeared _____, to me known to be the Mayor of the CITY OF BELLINGHAM, and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

NOTARY PUBLIC in and for the state of
Washington residing at Bellingham.
My appointment expires _____.

Accepted for City of Blaine

Mayor of Blaine

Attested by: _____

STATE OF WASHINGTON)
) ss
COUNTY OF WHATCOM)

On this ___ day of _____, 2019, before me personally appeared Bonnie Onyon, to me known to be the Mayor of Blaine and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

NOTARY PUBLIC in and for the State of Washington, residing at _____.
My commission expires _____.

Accepted for City of Ferndale

Mayor of Ferndale

Attested by: _____

STATE OF WASHINGTON)
) ss
COUNTY OF WHATCOM)

On this ___ day of _____, 2019, before me personally appeared John Mutchler, to me known to be the Mayor of Ferndale and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

NOTARY PUBLIC in and for the State of Washington, residing at _____.
My commission expires _____.

Accepted for City of Lynden

Mayor of Lynden

Attested by: _____

STATE OF WASHINGTON)
) ss
COUNTY OF WHATCOM)

On this ___ day of _____, 2019, before me personally appeared Scott Korthius, to me known to be the Mayor of Lynden and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

NOTARY PUBLIC in and for the State of Washington, residing at _____.
My commission expires _____.

Accepted for City of Everson

Mayor of Everson

Attested by: _____

STATE OF WASHINGTON)
) ss
COUNTY OF WHATCOM)

On this ___ day of _____, 2019, before me personally appeared John Perry, to me known to be the Mayor of Everson and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

NOTARY PUBLIC in and for the State of Washington, residing at _____.
My commission expires _____.

Accepted for City of Sumas

_____ Attested by: _____
Mayor of Sumas

STATE OF WASHINGTON)
) ss
COUNTY OF WHATCOM)

On this ___ day of _____, 2019, before me personally appeared Kyle Christensen, to me known to be the Mayor of Sumas and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

NOTARY PUBLIC in and for the State of Washington, residing at _____.
My commission expires _____.

WHATCOM COUNTY:
Approved as to form:

Prosecuting Attorney Date

Approved:
Accepted for Whatcom County:

Whatcom County Executive

STATE OF WASHINGTON)
) ss
COUNTY OF WHATCOM)

On this _____ day of _____, 20 __, before me personally appeared Jack Louws, to me known to be the Executive of Whatcom County, who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

NOTARY PUBLIC in and for the State of Washington, residing at _____
My commission expires _____.

MANAGEMENT & MAINTENANCE



Sign Longevity	0-4 Years	5-9 years	10-16+ years
Design and Planning	Design: General Evaluation of positive and negative aspects of the system. Planning: City in-house maintenance based on new request and circulation/destination updates.	Design: General Evaluation of positive and negative aspects of the system. Planning: Contract with a consultant to analyze major changes to the City and necessary system adjustments. 1 or 2 updates possible during this time period.	If the system has not been analyzed since implementation, a major updating is likely to be needed. Outside consultants will be required to review and inventory the system, as well as make suggested changes based on new circulation, destinations, etc.
Vandalism	Annual cleaning/repair. Stickers and graffiti are most common. Cleaning solvents and Go-Gone are typical products utilized.	Parts replacements and full sign replacement as needed. Cleaning solvents and Go-Gone are typical products utilized.	Parts replacements: full sign replacement as needed. Cleaning solvents and Go-Gone are typical products utilized.
Cleaning Schedule	Annual Cleaning	Annual Cleaning	Annual Cleaning
Management / Administration	Weekly coordination transitioning to quarterly coordination between City and fabricator during year 1 and 2. Day-to-day monitoring of the system, based on the City's observations, safety issues and citizens reports.	Annual coordination between City and fabricator. Day-to-day monitoring of the system, based on the City's observations, safety issues and citizens reports.	Annual coordination between City and fabricator. Day-to-day monitoring of the system, based on the City's observations, safety issues and citizens reports.
Breakaway Product: Transgo	Maintenance Free - Covered under Warranty for 3 years.	Maintenance Free - consider general review as part of yearly inspection process.	Maintenance Free - consider general review as part of yearly inspection process.
Reflectivity Life Span: 3M High Intensity Diamond Grade	Covered under warranty for 5-8 years Covered under warranty for 3 years.	Covered under warranty for 5-8 years. Reflectivity may be effective beyond the warranty period. Individual signs may require shealing to be replaced during this time period.	Reflectivity becomes less effective. If not previously replaced, 10 - 15 years is the maximum lifespan.

Sign Longevity	0-4 Years	5-9 years	10-15+ years
Custom Color Life Span: 3M High Intensity Diamond Grade	Color generally maintained beyond warranty period, depends on direction sign panel is facing.	Fading may begin depending on the direction sign panel is facing. Individual signs may require shealing to be replaced during this time period.	Fading occurs, if not previously replaced, 10 - 15 years is the maximum lifespan.
General Materials: Aluminum Sign Panels & Posts	Specifications require 5 year fabricator warranty for workmanship. General wear-and-tear maintenance required.	General wear-and-tear maintenance required.	General wear-and-tear maintenance required.
Painted Surfaces	Covered under manufacturers warranty. General maintenance and touch-up will be required.	Warranty expires. Typically color holds up beyond warranty period. Fading may begin depending on the direction sign panel is facing. Individual signs may require individual parts to be replaced during this time period.	Fading occurs - based on direction sign panel is facing - 10 - 15 years is the maximum lifespan to expect.
Sign Panels / Fasteners	Specifications require 5 year fabricator warranty for workmanship. General repairs and replacement due to auto incidents or vandalism. Inspect welds and fasteners for connection integrity.	Quantity of repairs increases, if not maintained previously, inspect welds and fasteners for connection integrity.	Consider full inventory of system and repairs based on consistency of maintenance and up-keep over the years.
Brackets/ Flis / Details	Specifications require 5 year fabricator warranty. General repairs and replacement of parts due to auto incidents or vandalism. Inspect welds and fasteners for connection integrity.	Quantity of repairs increases, if not maintained previously, inspect welds and fasteners for connection integrity.	Consider full inventory of system and repairs based on consistency of maintenance and up-keep over the years.
Concrete Footers	Maintenance free. Inspect structural integrity - similar to any construction project.	Maintenance free. Inspect structural integrity - similar to any construction project.	Maintenance free. Inspect structural integrity - similar to any construction project.

MANAGEMENT & MAINTENANCE

After approval of a sign design, a yet to be determined authority or individual jurisdictions will seek approval for sign routes, final sign locations, and an ongoing maintenance and management plan. With the approval of these standards the yet to be determined authority or individual jurisdictions will have approval for the full installation of signs.

MANAGEMENT

The establishment of a governing body that oversees the funding, maintenance and expansion. A project manager must be assigned the responsibility of the day to day management of the system.

MAINTENANCE FUNDING AND CONTRACTS

Maintenance should be a shared responsibility between a yet to be determined authority or individual jurisdictions and the programs Stakeholders.

Average annual maintenance budget is 10% - 15% of the total project construction cost.

ANNUAL BUDGETS:
Generally 10% - 15% of the total phasing cost should be established for annual maintenance of the system.
Initial "attic stock" of parts should be included in the base bid of each phase of the project.
By purchasing materials and parts in a large quantity a yet to be determined authority or individual jurisdictions will reduce its overall costs. Attic stock can include poles (painted), sign panels (painted/no lettering), brackets finished and painted, and other parts.

DAY-TO-DAY MAINTENANCE PROCESS FOR REPAIR OR REPLACEMENT OF EXISTING SIGNS



County Public Works & Staff Monitor Sign Program
 WAYFINDING MANAGER (TBD) Places Order with Approved Vendor
 County: Quality Control
 Contract: Fabrication and Installation

LONG TERM MAINTENANCE PROCESS FOR ADDITION, SUBTRACTION or ALTERATIONS TO THE SYSTEM (annual)



Depending on the quantity of signs or complexity of the new routing a consultant may be required to assist with planning or possibly designing new elements

DESTINATION Identifies Need
 DESTINATION Submits Online Request Form to WAYFINDING MANAGER
 Based on program criteria Planning Dept. and Steering Committee Reviews Request
 WAYFINDING MANAGER: Quality Control
 County: Approves Funding
 County Places Order with Approved Vendor
 County: Quality Control
 Contract: Fabricator/ Installation

Exhibit B

WAYFIND FUNDING STRATEGY										
	County	Bellingham	Blaine	Everson	Ferndale	Lynden	Sumas	Lummi Nation	Project Total	
Gateways - County	196,000								196,000	
Gateways - City		92,600	3,900	25,100	21,400	24,800	36,000	19,300	223,100	
Gateways - Port Airport	27,000								27,000	
Regional Wayfinding - Mountain	76,400								76,400	
Regional Wayfinding - Birch Bay	159,500								159,500	
Regional Wayfinding - Lummi Island	29,850								29,850	
Regional Wayfinding - Pt. Roberts	44,350								44,350	
Vehicular Directional Implementation Costs	39,675	685,550	154,600	20,450	125,500	236,750	29,850	35,100	1,287,800	
Vehicular Total	572,775	817,825	198,175	85,225	186,575	301,225	105,525	94,075	2,361,400	*
Economic Development (ED) Fund	-	408,913	99,088	80,964	93,288	150,613	100,249		933,113	
Port of Bellingham's Share (50% of their share)	27,000	59,000							86,000	
WWU's Share		20,000							20,000	
LTAC or Municipal Funding	545,775	329,913	99,088	4,261	93,288	150,613	5,276	94,075	1,322,288	
Parking and Pedestrian - Port Share (3 Waterfront/Ferry)		24,600							24,600	
Parking and Pedestrian - City LTAC or Other		173,000	41,400	9,500	19,000	45,800			288,700	
Municipal Cost for Full Implementation		502,913	140,488	13,761	112,288	196,413	5,276	94,075	1,610,988	
Total Program Cost (No Freeway)									2,674,700	

* There should be an opportunity for savings in this line item if implemented all at once.

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	December 2, 2019	
Name of Agenda Item:	Development Agreement – Front Street Station Business Park	
Section of Agenda:	New Business	
Department:	Planning Department	
Council Committee Review:	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input checked="" type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
Legal Review:	<input checked="" type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input type="checkbox"/> Review Not Required	
Attachments:	Planning Commission package and meeting minutes of 10/24/19, Development Agreement with Exhibits	
Summary Statement:	<p>The development agreement attached has been brought forward by Don and Sally Korthuis for a business park development called Front Street Station. The 7-acre project is located on Front Street west of Duffner Drive.</p> <p>Due to the potential mix of uses, LMC 19.23 specifies that property owners developing a business park formalize a development agreement with the City Council after receiving a recommendation from the Planning Commission on 5 specific areas of review.</p> <p>On October 24, 2019 this agreement received Planning Commission recommendation for approval.</p> <p>Beyond the issues reviewed by the Planning Commission the agreement also outlines a methodology for the collection of impact fees, establishes access points on West Front Street, and notes the potential for a variance to the street standard associated with West Front Street (by separate application).</p> <p>On November 18, 2019 the City Council approved two related requests: a Conditional Use Permit which supported wholesale and warehouse uses, and a street standards variance which reduced the amount of dedicated frontage required at this location.</p> <p>Fully developed the park would provide leasable spaces for a wide variety of retail, office, light manufacturing and warehouse uses within the 124,000 square foot park.</p>	
Recommended Action:	Motion to approve the development agreement with Front Street Station LLC and to authorize the Mayor's signature on the document.	

Development Agreement Front Street Station

Version 8
November 27, 2019

RETURN TO:

ROBERT A. CARMICHAEL
CARMICHAEL CLARK, PS
P. O. BOX 5226
BELLINGHAM, WASHINGTON 98227

Document Title: Development Agreement for Front Street Station (FSS) Business Park

Street Address: 2111, 2113, 2115, 2117, 2119 block of Front Street, Lynden WA

REFERENCE NO. OF RELATED DOCUMENT:

Partition by Court Order, AFN 2018-1101761

GRANTOR(S):

Front Street Station, a partnership of Don and Sally Korthuis.

GRANTEE(S):

City of Lynden, a Washington municipal corporation

LEGAL DESCRIPTION:

THE EAST 475.00 FEET OF THE FOLLOWING DESCRIBED PARCEL: THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 40 NORTH, RANGE 2, EAST OF W.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH LINE OF SAID QUARTER QUARTER AT A POINT 364 FEET EAST OF THE NORTHWEST CORNER THEREOF; THENCE SOUTH 660 FEET; THENCE EAST 282.8 FEET; THENCE SOUTH TO THE NORTH LINE OF THE TRACT OF LAND CONVEYED TO WHATCOM COUNTY, WASHINGTON, BY DEED RECORDED UNDER AUDITORS FILE NO. 637745, RECORDS OF WHATCOM COUNTY, WASHINGTON, WHICH TRACT IS NOW OWNED BY THE CITY OF LYNDEN; THENCE EAST, ALONG THE NORTH LINE OF SAID CITY OF LYNDEN TRACT AND SAID LINE PRODUCED EASTERLY, TO THE EAST LINE OF SAID QUARTER QUARTER; THENCE NORTH, ALONG SAID EAST LINE, TO THE NORTH LINE OF SAID QUARTER QUARTER; THENCE WEST, ALONG SAID NORTH LINE, TO THE POINT OF BEGINNING; EXCEPT THE RIGHT-OF-WAY FOR FRONT STREET/TROMP ROAD LYING ALONG THE NORTHERLY LINE THEREOF.

ASSESSOR'S TAX/PARCEL NUMBER(S):
400224 405095 0000

DEVELOPMENT AGREEMENT

Front Street Station

This Development Agreement, hereinafter referred to as “Agreement”, is entered into by and between the City of Lynden, a Washington municipal corporation (hereinafter the “City”), and Don and Sally Korthuis (together with their successors and assigns, “Developer”). Developer is the owner of the property legally described in the attached **Exhibit A** (hereafter “Property”), which Developer intends to develop with a project known as Front Street Station (“FSS”).

WHEREAS, the City’s commercial zoning code, Chapter 19.23 Lynden Municipal Code (“LMC”), allows for the approval of business park development with a mix of retail, commercial and industrial uses; and

WHEREAS, the Property is located within the Regional Commercial Services (“CS-R”) zone, the purpose of which is to support the development of large format retail and regional commercial development; and

WHEREAS, FSS is currently envisioned to be a five-building business park on a roughly seven-acre parcel of land, which would be occupied by business tenants and used for manufacturing, storage, showroom, department store, market, laundry, dry cleaning, retail, and warehouse and wholesale store subject to conditional use permit approval; and

WHEREAS, the current parcel configuration and site plan for FSS is attached as **Exhibit B**; and

WHEREAS, **Exhibit C** shows proposed floorplans and elevations of Buildings A and B; and

WHEREAS, LMC 19.23.020 requires a development contract be recorded memorializing the conditions of the Development Permit approval; and

WHEREAS, the City of Lynden Planning Commission recommended approval of the proposed agreement as part of a public meeting on October 24, 2019, and

WHEREAS, the Resolution No. 1013 was approved by the Lynden City Council on December 2, 2019; and

WHEREAS, this Agreement is authorized by RCW 36.70B.170 through .210; and

WHEREAS, the above recitals are a material part of this Agreement;

NOW, THEREFORE, City and Developer enter into this Agreement for and in consideration of the mutual covenants, duties and obligations herein set forth, do agree as follows:

ARTICLE I

LAND USE AND SETBACK REQUIREMENTS

- 1.1 The Property is located within the CS-R zone. Any development or design requirement for FSS not specifically listed below shall be in accordance with Title 19 of the Lynden Municipal Code (“LMC”) and will conform to all requirements, comments and conditions set forth in Council findings.
- 1.2 **Design Review:** The City has multiple commercial design zones around the city. FSS will be a new commercial design zone on Front Street, between Duffner Drive and Tromp Road. FSS will be subject to the City of Lynden Design Standards for commercial development as described in the Design Review Board project approval #19-05 and in the specific detailed below. Significant alterations to the architecture, site layout, or landscape plan must seek the approval of the Design Review Board.
- a. Buildings A (2119 Front St.) and E (2111 Front St.) will have common architectural theme. The front façade will have a general retail appearance. The architecture and façade of Buildings A and E, which are immediately adjacent to Front Street, will meet standards common with Lynden commercial development on an arterial street. This will include pedestrian scale elements, such as awnings and/or sheltered entrances, storefronts, pedestrian scaled lighting, varied façade treatments, and landscape enhancements. The elevation shown in Exhibit C for Building A is an approximate idea of the façade for both Buildings A and E.
 - b. The architecture and façade of Buildings B (2117 Front St.), C (2115 Front St.), and D (2113 Front St.), which are screened by street-front buildings, will have their own simpler architectural theme, with some design elements repeated from Buildings A and E. The elevation shown in Exhibit C for Building B is an approximate idea of the façade for Buildings B, C, and D.
 - c. The site plan will have provisions for pedestrian, vehicular, and truck movement throughout FSS. Internal sidewalks will be a minimum of 5 feet in width. Wheel stops or 7-foot-wide sidewalks will be provided as needed to prevent parked vehicles from encroaching into minimum walkway width. Each building will be completely surrounded by access roads.
 - d. Buildings A and E will incorporate screening of mechanical equipment, trash collection areas, and loading access so that they are minimally visible from the street.
 - e. A landscape plan shall be submitted pursuant to Ch. 19.61 LMC. Said landscape plan shall include street trees and foundation plantings for all areas visible from Front Street and for all parking areas and shall additionally comply with all other requirements of Ch. 19.61 LMC.

- f. Outdoor storage areas will be allowed for the occupants of Buildings B, C and D; provided, however, that such authorization may be revoked for individual tenants at Developer's discretion. Outdoor storage areas shall be kept clean. Further requirements for outdoor storage are in Section 2.3 below.
- 1.3 **Setbacks:** Minimum building setbacks and building separation will be consistent with requirements for CS-R zoning as set forth in Ch. 19.23 LMC.
- 1.4 **Dedicated street right of way:** The City is seeking outside funding to improve Front Street from a two-lane street to a three-lane street from Duffner Drive to Tromp Road. Development in this area requires additional roadway dedication per LMC 18.04.030 to facilitate improvements. Specifically, to meet the design standard of Division 4, Section 4.3, Table 4.1 of the Engineering Development Standards, a dedication of 20 feet is required. FSS is currently proposing an alternate street standard which would require a dedication of 10 feet. This is described below and depicted in Exhibit E. Utilization of the alternate standard is subject to the approval of Design Standards Variance application #19-03.
- To construct the proposed alternate standard, the City will need a 30' of right away on the south side of Front Street. This includes a 5' sidewalk, 3' plant areas, 5' bike lanes, 11' thru lanes, and a 12' center turn lane (6 feet on both the north and south side of the center line (Exhibit E). The current right of way is 40 feet (20 feet on each side of the center of Front Street. This requires the Developer to dedicate 10 additional feet of right of way for this purpose to the City. In addition to this, the Developer will dedicate, a 10' utility easement on the Property adjacent to the north property line to the City, subject to approval by the City.
- 1.5 **Property access:** There will be three driveway cuts into Front Street: one at the eastern property line of FSS ("Eastern Access"), one at the western property line of FSS ("Western Access"), and one with a centerline approximately 180 feet east of the western property line ("Center Access"). The Eastern Access will be shared with the property owner to the east of FSS.
- 1.6 **Signage:** All signage will meet the requirements of Ch. 19.33 LMC. Design Review Board approval will be obtained as applicable. Lessees will not place any sign anywhere in FSS without Developer's prior consent and City of Lynden approval.
- 1.7 **Permitted Uses:** Per LMC 19.23.020, Business Parks such as FSS are permitted where at least 20% of the total gross floor area ("GFA") of FSS is related to onsite retail, showroom, or office use. FSS shall maintain a minimum of 20% retail, showroom or office floor area at all times throughout all phases. Individual tenants may be less than 20% onsite retail, showroom, or office use;

however, 20% or more of the total GFA of the entire FSS business park shall be dedicated to onsite retail, showroom, or office use.

It is estimated that Buildings A and E will be approximately 30% retail showroom space and 70% warehouse space. Buildings B, C, and D are estimated to be 20% office space and 80% warehouse space. For illustration only, demonstration of this standard is illustrated in Exhibit C.

Uses permitted within FSS are outlined below. Any use that is not listed below is not a permitted use unless it determined to be comparable to a permitted use by the City of Lynden Planning Director based on the applicant’s statement of use. The applicant must bear the burden of proof to show how the use is comparable to the listed use.

In the table below, uses are notated as follows: P = Permitted Use; PA = Permitted as an accessory use; N = Not permitted; C = Permitted as a conditional use.

Land Use	Buildings A & E	Buildings B, C & D
Agricultural product and/or equipment parts sales. No outside display of equipment	P	P
Auction facilities for other than animals use	N	P
Banks and financial institutions	P	P
Barber shops, beauty salons	P	P
Brewery, Pub, brewpub	P	P
Business schools	P	P
Commercial recreation	P	P
Construction material sales. No outside displays	P	P

Contractors and construction services (May include a showroom: plumbing, office area, lighting, etc)	P	P
Convention center, including banquet facilities and/or meeting halls	P	N
Day spas	P	P
Farm implement and machinery sales and service or large machinery rentals. No outside display of equipment.	P	P
Fitness facilities	P	P
Government agency offices or government facilities.	P	P
Grocery store	P	P
Home furnishings stores	P	P
Home improvement and hardware stores	P	P
House of Worship	P	P
Laundry and dry-cleaning facilities	P	P
Landscape plants and landscape materials for retail sales, no outside display	P	P
Liquor sales	P	P
Manufacture, fabrication, assembly,	N	P

woodworking and metal working shops		
Martial arts or dance schools	P	P
Medical and dental clinics (see Surgical Centers below) Walk-In Clinics	P	P
Medical services overlay	P	P
Non-retail communications services	N	P
Non-profit offices that include warehousing	P	P
On-site hazardous waste treatment (no treatment allowed in HBD) and storage as an accessory use to any activity generating hazardous waste and lawfully allowed in the zone, provided that such facilities meet the state siting criteria adopted pursuant to the requirements of Chapter 70.105.210 RCW.	N	PA
Pet supply store and grooming (no boarding)	P	P
Pharmacy	P	N
Photography studio	P	P
Printing and duplicating shops	P	P
Professional and business offices	P	P
Public use facilities	P	P
Research and development facilities	P	P
Restaurant — with drive thru Coffee Stand	P	N
Restaurants and cafés	P	P

Retail (general retail) not otherwise defined	P	P
Retail appliance and electronic equipment sales, including parts sales and repair	P	P
Retail feed and seed stores. No outside display of equipment.	P	P
Retail heating, plumbing and electrical equipment sales, including parts sales and repair	P	P
Retail shopping center or mall	P	P
Retail stores greater than 65,000 square ft.	P(1)	P(1)
Sign design, fabrication, and installation companies	P	P
Surgical centers	P	P
Theaters and movie theaters	P	P
Truck, trailer, recreational vehicle sales and limited light, clean service	P	P
Utility facilities	P	P
Veterinary clinics, laboratories. No overnight boarding except for medical purposes.	P	P
Warehousing, including open to the public	C(2)	C(2)
Wholesaling, including open to the public	C(2)	C(2)

1. See LMC 19.23.080 and 19.23.090 for special conditions for large retail uses.

2. Conditional Uses are permitted with conditions by City of Lynden if approved by the city council through a resolution. The Developer applied for Conditional Use Permit #19-01 on July 31, 2019, to permit warehousing and wholesaling in FSS. When a Conditional Use Permit is approved by the City of Lynden with a resolution, these uses will be permitted in FSS.
- 1.8 **Parking Requirements:** Because FSS will provide leasable floor area for a variety of commercial and light industrial users, it may not be possible to determine parking ratios specific to use at the time of initial development; as such, the following minimum parking requirements shall apply:
- FSS will abide by the off-street parking requirements of Ch. 19.51 LMC by meeting standards consistent with the expected percentages of use. Per LMC 19.23.020, FSS is required to maintain at least 20% of GFA as retail, showroom, or office use. This may include restaurants, personal or medical services. As such, 20% of GFA will be parked at a general commercial ratio of a minimum of 4 stalls for every 1000 square feet of floor area. The remaining 80% of GFA will be parked at a general light industrial standard of a minimum of 1 stall for every 1000 square feet. This standard is applicable to each phase of the project.
- 1.9 **Loading Requirements:** FSS buildings are intended for manufacturing, storage, showroom, department store, market, laundry, dry cleaning, retail, and warehouse and wholesale store subject to conditional use permit approval, or other use involving the receipt or distribution of vehicles, material or merchandise, will have adequate space for standing, loading and unloading services in order to avoid undue interference with the vehicular movement through the site.
- Each building shall have at least one loading space, which shall be a minimum of 10-feet by 25-feet, with 14-foot height clearance. The space shall be so situated that no part of a truck or van using the loading space will prevent the flow of traffic.
- 1.10 **Special Development Conditions for Building E:** Building E is planned to be greater than 25,000 square feet GFA. It will therefore be subject to the additional requirements of LMC 19.23.080.

ARTICLE II PHASING AND IMPROVEMENT REQUIREMENTS

- 2.1 **Phasing:** There will be multiple phases in construction of FSS. The Developer anticipates 3 phases. The first phase will be Building A and Building B. The following phases will be determined by the fill rate of Buildings A and B. The second phase is initially planned to be Buildings C and D, with the final phase Building E.

Vacant land will be maintained by mowing as needed, minimum twice per year. If overflow storage is needed on the vacant land, it will be screened from view from Front Street.

- 2.2 **Frontage Improvements and Landscape:** Front Street is a listed City arterial street and an impact fee funded street for any future improvements. Improvements may be completed by the City of Lynden in association with a Whatcom County Economic Development grant / loan program. However, if outside funding is not secured, the Developer will be required to complete minimum street improvements in association with the project's utility installation and / or a SEPA determination. As available, traffic impact fees will be used to improve some of the underground utilities and frontage area.

Landscaping of the street frontage will be completed per the landscape development plan that will be submitted per Ch. 19.61 LMC. Required street trees shall be planted within parking lot landscape islands by the Developer adjacent to the utility easement consistent with Variance 19-03. Maintenance of the street trees will be the responsibility of the Developer. Removal of the trees is not permitted without the appropriate street tree removal permit.

All other Front Street landscaping will be done in two phases. The first phase of frontage improvements shall be completed prior to final occupancy of Buildings A and B and shall include at minimum the west 180 feet of property frontage. The second phase of frontage improvements shall be completed prior to final occupancy of Building E and shall include the remaining street frontage work from the point where the first phase stopped to the eastern property line of FSS. Other than the street frontage work for Buildings A and B, no other street frontage work shall be required prior to final occupancy of Buildings C and D.

- 2.3 **Outdoor storage and Refuse areas:** Buildings A and E will have a designated outdoor area for refuse containers, which shall be screened from view. Buildings B, C, and D will have refuse stored either inside the building or near the rear service doors, for example at the west side of Building B.

Outdoor storage will be discouraged throughout Front Street Station and will be less than 30% paved area.

No product / inventory or refuse may be stored in outdoor parking areas for more than 48 hours. Additional refuse areas may be permanently added if screened with an appropriate fence or wall.

- 2.4 **Utility Improvements:** Sewer and water lines will be installed per City Standards. Fire flow shall be adequate prior to final occupancy of each building.
- 2.5 **Parking and Loading Areas:** All drive aisles, parking and loading areas must be paved prior to final occupancy of the associated building.
- 2.6 **Sidewalks improvements:** A sidewalk connection to Front Street will be completed prior to final occupancy of Building A or Building B, whichever is

completed first. Sidewalks associated with each building subsequent shall be completed prior to final occupancy of each building.

- 2.7 **Impact Fees:** Impact fees will be paid at the time of building permit issuance consistent with the schedule outlined in this section. . All impact fees will reflect the 50% West Lynden Discount, per Resolution 709, Exhibit D.

Shell Structures: Permits for shell structures will provide a general floor plan showing an assumed ratio of finished and unfinished floor space. Buildings B, C, and D are expected to have 12 separate rental units. Each unit is estimated to have 400 square feet of office space and 1,600 square feet of warehouse for a total of 2,000 square feet per unit. This works out to be 20% office space of the gross floor area. Buildings A and E's square footage is expected to be approximately 40% office/retail and 60% warehouse. Developer will pay tenant improvement impact fees based on these estimates.

Normally, time is of the essence when a tenant contacts the Developer to rent space. A typical tenant will quickly decide to rent a space and want to immediately move in. It is the Developer's intent to make a best guess estimate up front on uses, so as not to delay tenants to move in quickly, without the delays associated with a building permits and conditional use permits.

If Front Street Station is developed first as shell structures without the benefit of knowing the specific needs of individual tenants and the associated interior improvements, the City agrees to assess impact fees at the time of permitting for the shell structures without additional assessments due at the time of tenant improvement. This general assessment will be done at the rates associated with the uses and ratios proposed above. That is:

Building B, C, and D - 20% general office use and 80% warehouse use.

Buildings A and E – 40% general office use and 60% warehouse use.

No more than two years after the date of issuance of the permit for the shell structures, the Developer may request a review and credit of fees. Review will consider each building separately and only when building permits for all of the interior space have been approved by the City.

If buildings within FSS are proposed not as shell structures but with specific floor plans, impact fees will be assessed based on the submitted floor plan.

ARTICLE III INFRASTRUCTURE DEVELOPMENT REQUIREMENTS

- 3.1 **Easements:** Any and all necessary utility easements acceptable to the City must be granted to the City of Lynden and recorded prior to final occupancy of associated buildings.

- 3.2 **Utilities:** Adequately sized water lines are currently in place along Front Street. Non-standard water pipe material may require the pipe to be replaced. Frontage sewer, water (if necessary) and stormwater will be done in two phases. The first phase of water, sewer and stormwater improvements shall be completed prior to final occupancy of Buildings A and B and will include at a minimum the west 180 feet of property frontage on Front Street. The second phase of sewer and stormwater improvements shall be completed prior to final occupancy of Building E and shall include the remaining sewer and stormwater frontage work from the point where the first phase stopped to the eastern property line of FSS. Additional sewer and stormwater improvements may be required within FSS. Restaurant spaces may be subject to additional requirements such as grease interceptors (traps).
- 3.3 **Stormwater:** Stormwater management plans prepared by a professional engineer will be prepared for FSS and shall be approved by the City of Lynden prior to final approval of the civil construction plan or building permit for any new building. An erosion control plan will be included in the drainage plan and construction plans as necessary. This will be designed and constructed in compliance with the Department of Ecology's Best Management Practices and the standards approved in the Manual for Engineering Design and Development Standards effective at the time of a submitted building permit or fill and grade permit application whichever is first submitted.
- 3.4 **Fire Hydrant Placement:** Fire hydrants shall be spaced at an un-obstructed 300 feet throughout the development and placed at least 50 feet from any obstruction or as otherwise required by the local fire marshal.
- 3.5 **Driveway Cut Phasing:** The Western Access and the Center Access shall be completed prior to final building occupancy of both Buildings A and B. The Eastern Access shall be completed prior to final building occupancy of Building E. The Eastern Access will be a shared entrance with the property adjacent to the eastern edge of FSS. See site plan, Exhibit B, for details.

ARTICLE IV ASSIGNMENT AND TRANSFER

- 4.1 After its execution, the Agreement shall be recorded in the office of the Whatcom County Auditor. Each commitment and restriction on the development subject to this Agreement, shall be a burden on the Property, shall be appurtenant to and for the benefit of the Property, and shall run with the land. This Agreement shall be binding on the City and the Developer, and their respective heirs, administrators, executors, agents, legal representatives, successors and assigns. Upon any sale or conveyance of the Property by the Developer or a subsequent owner, such owner shall be released from the obligations of this Agreement and the obligations stated herein shall be

enforceable solely against the successor owner of the Property.

ARTICLE V MISCELLANEOUS

- 5.1 Except where specifically varied by this Agreement, the development of FSS on the Property shall be subject to all requirements of the LMC and City of Lynden Design Standards.
- 5.2 This Agreement including the exhibits hereto constitute the full and only agreement between the parties, there being no promises, agreements or understandings, written or oral, except as herein set forth, or as hereinafter may be amended in an acknowledged writing and in accordance with the LMC.
- 5.3 In the event the Developer fails to comply with the commitments set forth herein, within one hundred twenty (120) days of written notice of such failure from the City, in addition to any other remedies which the City may have available to it, the City shall have the right, without prejudice to any other rights or remedies, to cure such default or enjoin such violation and otherwise enforce the requirements contained in this Agreement, and to collect the direct costs associated with such action, including reasonable attorney's fees and costs, from the Developer.
- In the event the City fails to comply with the commitments set forth herein, within one hundred twenty (120) days of written notice of such failure from the Developer, in addition to any other remedies which the Developer may have available to it, the Developer shall have the right, without prejudice to any other rights or remedies, to cure such default or enjoin such violation and otherwise enforce the requirements contained in this Agreement, and to collect the direct costs associated with such action, including reasonable attorney's fees and costs, from the of the City.
- 5.4 In the event that a judicial dispute arises regarding the enforcement or breach of this Agreement, then the prevailing party in such dispute shall be entitled to recover its attorney's fees and costs reasonably incurred, including fees and costs incurred on appeal.
- 5.5 This Agreement, and the rights of the parties hereto, shall be governed by and construed in accordance with the laws of the State of Washington and the parties agree that in any such action venue shall lie exclusively in Whatcom County, Washington.
- 5.6 Nonwaiver of Breach. Failure of either party to require performance of any provision of this Agreement shall not limit such party's right to enforce such provision, nor shall a waiver of any breach of any provision of this Agreement constitute a waiver of any succeeding breach of such provision or a waiver of such provision itself.

- 5.7 Any notice which a party may desire to give to another party must be in writing and may be given by personal delivery, by mailing the same by registered or certified mail, return receipt requested postage prepaid, or by Federal Express or other reputable overnight delivery service, to the party to whom the notice is directed at the address of such party set forth below:

City of Lynden: Heidi Gudde, Planning Director
300 4th Street, Lynden, WA 98264

Developer: Don and Sally Korthuis
1610 Grover St. Suite B5, Lynden WA 98264

or such other addresses and to such other persons as the parties may hereafter designate in writing to the other parties. Any such notice shall be deemed given upon delivery if by personal delivery, upon deposit in the United States mail, if sent by mail pursuant to the foregoing.

- 5.7 No Impairment of City Regulatory Discretion. Nothing in this Agreement shall limit the City's exercise of its lawful regulatory discretion in approving pending or new applications in accordance with applicable ordinances, so long as such discretion is exercised consistent with the terms of this Agreement.
- 5.8 Reservation of Authority. The City reserves authority to impose new or different regulations on the Property to the extent required by a serious threat to public health and safety. This reservation is intended to comply with RCW 36.70B.170 (4). If such authority is exercised, the remaining provisions of this Agreement shall remain in full force and effect to the extent the new regulations are not inconsistent therewith and do not undermine achievement of the fundamental purposes of this Agreement.
- 5.9 Severability. If any section, subsection, sentence, clause, or phrase in this Agreement is for any reason held to be invalid or unenforceable, the remainder of this Agreement shall not be affected thereby. Each term or provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

EXHIBIT A
FSS Development Agreement

Legal Description THE EAST 475.00 FEET OF THE FOLLOWING DESCRIBED PARCEL: THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 40 NORTH, RANGE 2, EAST OF W.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

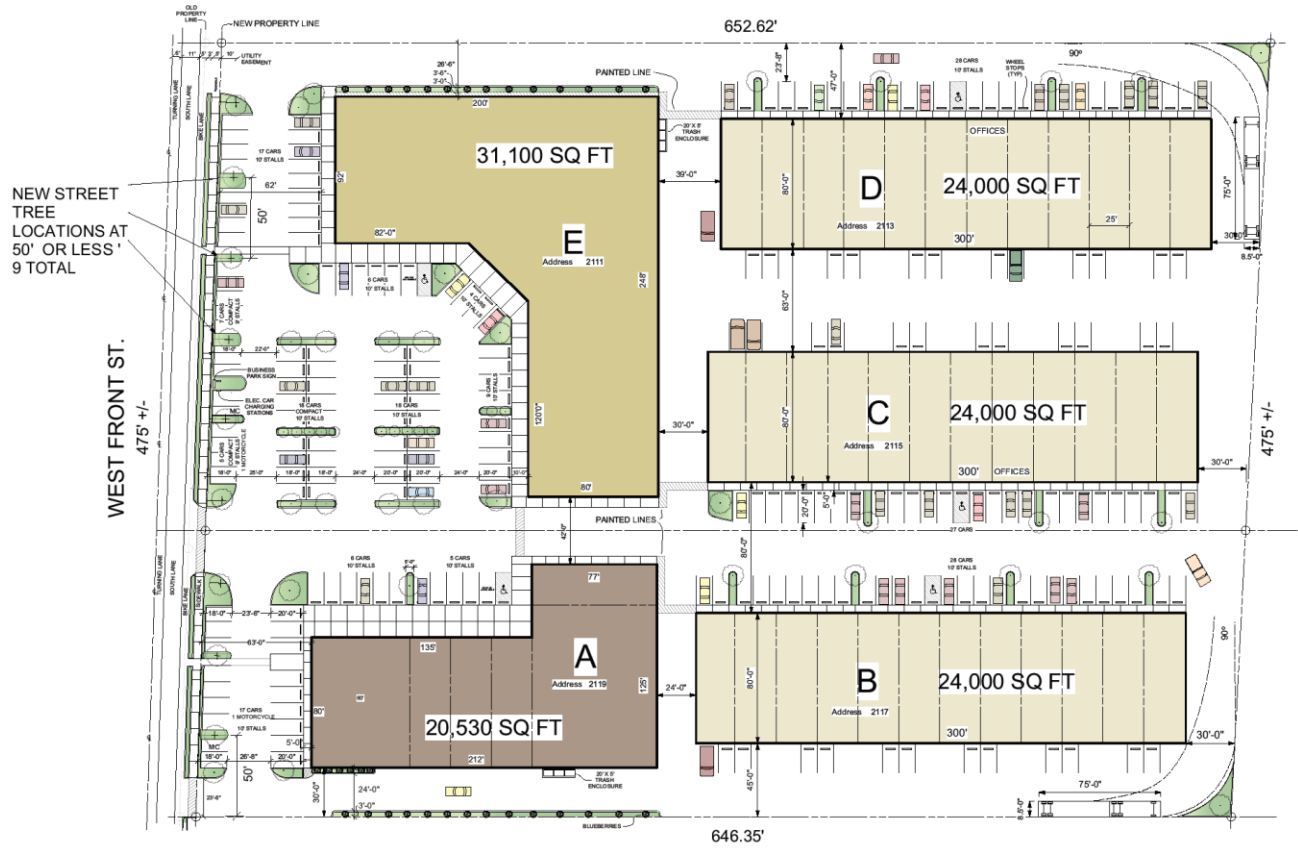
BEGINNING AT THE NORTH LINE OF SAID QUARTER QUARTER AT A POINT 364 FEET EAST OF THE NORTHWEST CORNER THEREOF; THENCE SOUTH 660 FEET; THENCE EAST 282.8 FEET; THENCE SOUTH TO THE NORTH LINE OF THE TRACT OF LAND CONVEYED TO WHATCOM COUNTY, WASHINGTON, BY DEED RECORDED UNDER AUDITORS FILE NO. 637745, RECORDS OF WHATCOM COUNTY, WASHINGTON, WHICH TRACT IS NOW OWNED BY THE CITY OF LYNDEN; THENCE EAST, ALONG THE NORTH LINE OF SAID CITY OF LYNDEN TRACT AND SAID LINE PRODUCED EASTERLY, TO THE EAST LINE OF SAID QUARTER QUARTER; THENCE NORTH, ALONG SAID EAST LINE, TO THE NORTH LINE OF SAID QUARTER QUARTER; THENCE WEST, ALONG SAID NORTH LINE, TO THE POINT OF BEGINNING; EXCEPT THE RIGHT-OF-WAY FOR FRONT STREET/TROMP ROAD LYING ALONG THE NORTHERLY LINE THEREOF.

Street Addresses: 2111, 2113, 2115, 2117, 2119 Front Street, Lynden WA, 98264.

EXHIBIT B = Site Plan FSS Development Agreement

PARKING

TOTAL PARKING SPACES 227
REQUIRED ADA ACCESSIBLE: 2% OF TOTAL (227) = 5 SPACES
ADA ACCESSIBLE STALLS PROVIDED = 5




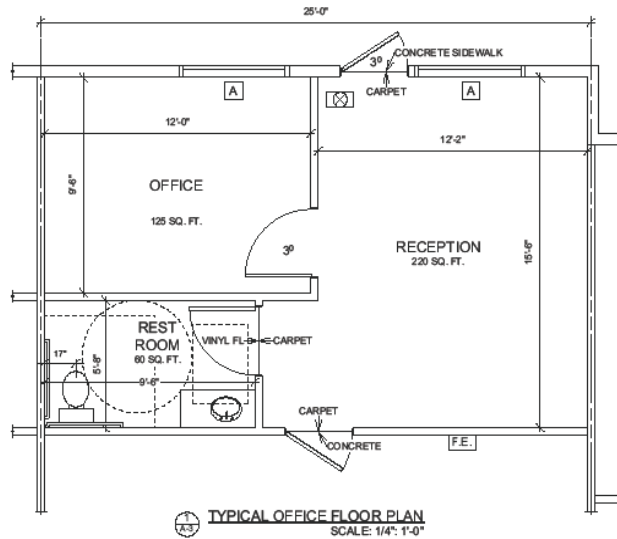
 **PRELIMINARY SITE PLAN**
SCALE 1" = 30'

EXHIBIT C = Estimated Gross Floor area map FSS Development Agreement Building A – 2119 Front St.



Building B – 2117 Front St.



Building B – 2117 Front St. Floor plan

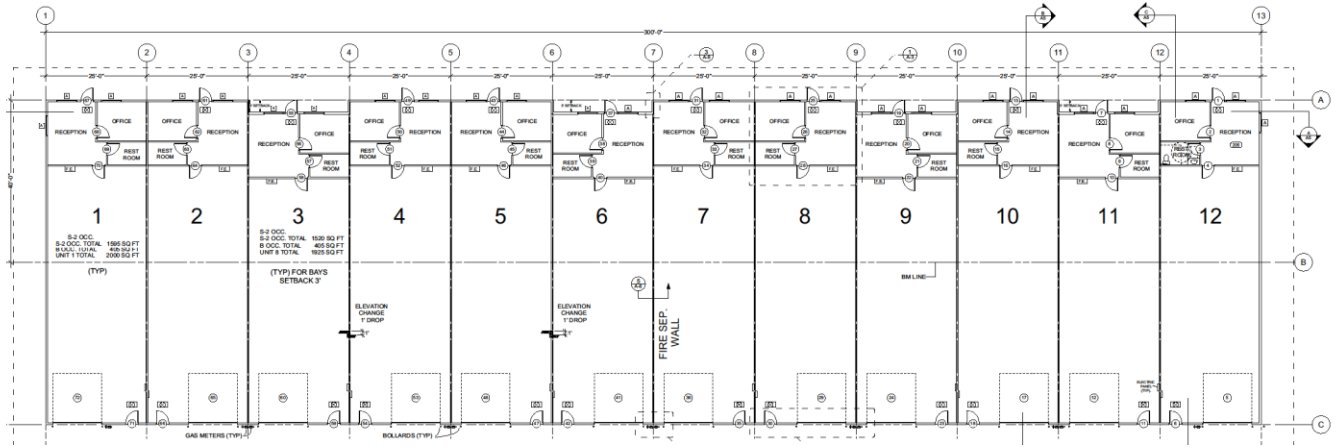


EXHIBIT D Impact fee discount

December 27, 2004

To Honorable City Council Members Adelstein, Bode, Burns, DeValois, Kuiken, Laninga, and Vis;

RE: Economic Development and Impact Fees

In the next twenty years, Lynden is anticipating more than eight thousand new residents within the community. Each year Lynden and Lynden Christian High Schools graduate more than three hundred students from the two high schools combined. In the current update to Lynden's Comprehensive Plan, the City is considering where these new residents and students may live and work and developing a land use plan that will insure there is adequate land area to meet those needs.

In addition to planning for the residential growth, the Comprehensive Plan works to make certain that there will be sufficient land for future commercial and industrial growth. However, planning for the land area is only one step of the process. Filling that property is also essential to Lynden's balanced growth and economic future. While the policies of the Comprehensive Plan and the goals of the Economic Development Plan, all champion creating new jobs through either business retention or new business attraction, there is a lack of positive strategies to implement these goals.

To encourage balanced growth within the community and to improve the City's self-sufficiency, more must be done to make Lynden a competitive place to do business. The City's distance from I-5, limited rail service, restricted border crossing hours and the cost of land all work against the City when trying to attract new industrial business. These are factors that the City can not change.

What the City can do to make Lynden competitive is to consider the structure for certain fees that business and industry pays to the City when they apply for their permits. The table below shows what certain types of businesses might currently pay in transportation and park impact fees at the time of their building permit.

Type of Business	Park Impact Fees	Transportation Impact Fees
70,000 sq. ft. Manufacturing Facility	\$6,580	\$94,483
10,000 sq. ft. Warehouse Facility	\$940	\$8,573
5,000 sq. ft. General Office Building	\$1,170	\$13,589
5,000 sq. ft. Medical/Dental Building	\$1,170	\$33,926
50,000 sq. ft. Retail Building	\$7,000	\$155,897

Many times, these fees are in addition to other development requirements, such as utility extensions or frontage improvements. While the impact fees may be a small portion of the total project cost, they can often serve as an indicator as to how the community responds to business.

My recommendation to the City Council is that the Council considers designating the land use zones I-1, I-2 and CS-3 as economic development assistance areas by resolution and citing how development in this area will economically benefit the Lynden community. Some examples of those benefits include:

1. Increased property taxes. Most properties are currently in open space taxation and the City is receiving very minimal property taxes. (For example, one parcel in the designated area is currently paying approximately \$360 per year in property taxes - total. Taken out of open space, the same property undeveloped would contribute approximately \$8,000 per year)
2. Stronger employment base to support the growing residential population. Families would not have to leave town in order to find employment, increasing the social benefit within the City.
3. Development activity spurs other types of funding opportunities like Whatcom County's Economic Development Initiative and CERB grants/loans.
4. Financial investments in the community through job creation, vocational training, sales tax revenue (people shop where they work), as well as social investments, are important to Lynden's future.

Providing the incentive across the industrial zoning spectrum (I-1, I-2 and CS-3) ensures that regardless of where the property is located, the incentives will apply to the type of development needed most within the Lynden community: job creating, manufacturing and assembly types of growth. The City has experienced very strong residential growth, as well as strong commercial growth. Now is the time to continue to balance the growth equation with new "industrial" jobs.

I recommend that the City provide a 50% reduction in Park and Transportation impact fees for these specific zones. The transportation mitigation fund will be reduced by approximately \$415,500 and the parks mitigation fund approximately \$22,000 by taking this action, but I contend that if we work with the County and State for Economic Development monies, we will be able to adequately provide the infrastructure needs of the community using these outside sources of potential money. The City Administration

and Staff are committed to work aggressively to find other revenues to support the proposed projects financed with mitigation funds. Partners such as the Port of Bellingham, Whatcom County (through the EDI program) and the State of Washington CURB and CERT programs are direct examples of potential revenue enhancement sources.

Attached is a draft resolution I'm asking you to consider adopting to take the first step in making this incentive for job creation possible. If the resolution is adopted, staff will then proceed in drafting potential amendments to the various ordinances and resolutions as needed. These amendments would include changes to the Park Impact Fee Ordinance and the Transportation Impact Fee ordinance as well as the Transportation Impact fee resolution.

Thanks for the opportunity to present this to you. As always, I would encourage committee review prior to adoption of a resolution, so I would suggest this be remanded to the Community Development, Parks and Public Works committees and be brought back to Council later for consideration. If you have questions, please contact Administrator Verwolf, Planning Director Harksell, or me.

Respectfully Submitted by,

Jack Louws

RESOLUTION NO. 709

A RESOLUTION OF THE COUNCIL OF THE CITY OF LYNDEN DECLARING THAT ECONOMIC DEVELOPMENT EFFORTS SERVE BROAD PUBLIC PURPOSE AND PROVIDING INCENTIVES FOR ECONOMIC GROWTH

WHEREAS, the City of Lynden desires for its citizens a quality of life that includes aesthetic quality, a strong sense of community and economic health; and

WHEREAS, the City of Lynden seeks a balance between residential growth and employment opportunities within the City; and

WHEREAS, the City of Lynden has adopted a Comprehensive Economic Development Plan that declares the public benefits of economic development and growth within the community; and

WHEREAS, the mission of the Economic Development Plan reads, *"To work with business owners and citizens throughout the City to ensure the future economic health of the City by working to maintain and attract responsible businesses and industries that are compatible with the Communities values."*

WHEREAS, the public benefits of economic growth include an increased property tax base to support municipal services, schools, and other taxing authorities, the creation of jobs to gainfully employ the citizens of the community, increased sales tax revenues, and

WHEREAS, the public benefits of economic growth within the city also include less traffic congestion on outlying roads and highways, reduction in urban sprawl, investment within a municipal area that is able to provide the services needed for business and industry; and

WHEREAS, economic development within the City is supported by the goals and objectives of the Growth Management Act; and whereas,

WHEREAS, providing incentives for economic development is consistent with the Growth Management Act and the City's own goals for encouraging infill development; and

WHEREAS, there are obstacles to Lynden's economic growth that the City can not resolve, such as the distance of the City from Interstate 5, the limited border crossing, the cost of land within the community, all of which have affected Lynden's ability to retain existing businesses and attract new industrial development; and

WHEREAS, within the City limits there is land zoned appropriately for commercial and industrial development to provide opportunity for economic growth; and

WHEREAS, the areas zoned as CS-3, I-1 and I-2 provide land area specifically targeted for agricultural business, and industrial growth: land uses which are targeted for support within the Comprehensive Economic Development Plan; and

WHEREAS, since 1998 the City of Lynden has lost several employers within the City to areas that are ready to develop, are closer to I-5 and are more economical to expand; and

WHEREAS, Lynden needs additional incentives to encourage businesses within those areas to expand and to attract new business to the city and to counter the obstacles to economic growth within the City; and

WHEREAS, mitigation fees for transportation improvements and park and open space facilities may affect a business's decision to locate in the West Lynden Industrial Area; and

WHEREAS, revenue from transportation and park mitigation fees reduced as an incentive for locating within the West Lynden Industrial Area may be recouped through grants for economic development purposes, increase real estate excise tax, removal of property from the open space taxation program and general public benefit;

NOW THEREFORE BE IT RESOLVED by the Council of the City of Lynden to declare that economic development efforts serve a broad public interest to the citizens of Lynden by increasing the property tax base, and creating new jobs within the city; and


NOW THEREFORE BE IT ALSO RESOLVED by the Council of the City of Lynden to declare the zoning designations of I-1 (Industrial), I-2 (Light industrial), and CS-3 (Commercial Services) as economic assistance areas; and

NOW THEREFORE BE IT FURTHER RESOLVED by the Council of the City of Lynden to consider economic incentives, such as the reduction in mitigation fees for park facilities and transportation facilities, for new development in those areas declared as economic assistance areas.

PASSED by the City Council of the City of Lynden, Whatcom County, Washington on the 7th day of February, 2005 and signed and approved by the Mayor on the same date.


MAYOR
Jack Louws

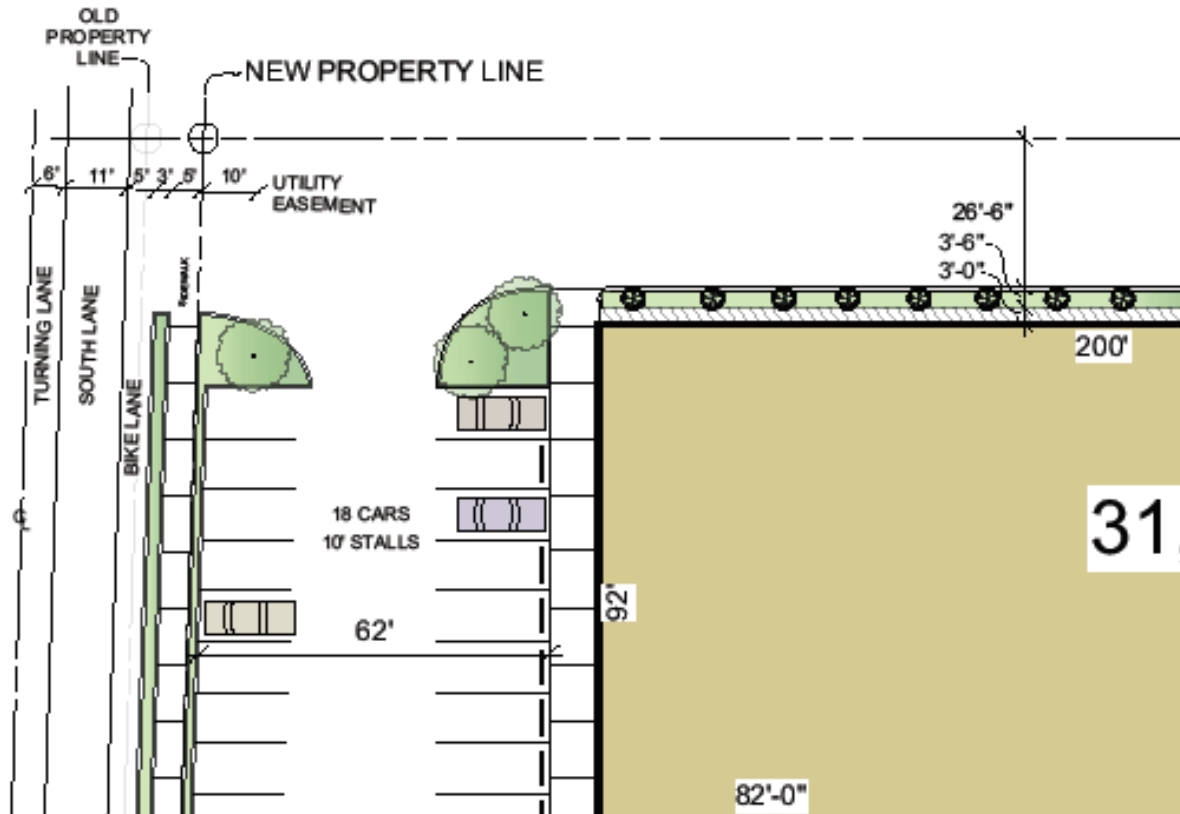
ATTEST:


CITY CLERK
William Verwolf

APPROVED AS TO FORM:


CITY ATTORNEY
Robert Carmichael

EXHIBIT E Proposed right of way FSS Development Agreement



CITY OF LYNDEN

PLANNING DEPARTMENT
Heidi Gudde, Planning Director
(360) 354 - 5532



Planning Department Memorandum

To: Planning Commission
From: Heidi Gudde, Planning Director
Date: October 21, 2019
Re: Development Agreement – Front Street Station Business Park

Lynden Municipal Code Section 19.23.020 notes that Business Parks are permitted in Commercial Services – Regional (CSR) zoning categories where at least 20% of the total gross floor area of the park is related to onsite retail, showroom, or office use. LMC 19.23.020(9) goes on to specify that property owners developing a business park are required to formalize a development agreement with the City Council after receiving a recommendation from the Planning Commission which:

- a. Specifies a list of permitted, conditional, and prohibited uses within the business park.
- b. Outlines a parking and loading standards which anticipates the uses permitted.
- c. Creates standards for and screening of outdoor storage and refuse areas.
- d. Addresses unique signage requirements.
- e. Indicates how the building siting and architecture addresses the street frontages at a pedestrian scale.

Front Street Station Proposal: The development agreement attached has been brought forward by Don and Sally Korthuis for a business park development called Front Street Station. The 7-acre project is located on West Front Street. This agreement is moving forward to the Planning Commission with a corresponding Conditional Use request to add wholesaling and warehousing as permitted uses within the business park. If permitted, the uses would be part of a wide variety allowed within the 124,000 square foot park.

Focused Review: Planning Commission review of the development agreement is not quasi-judicial or in the context of a public hearing. Review should focus on the aspects outlined in LMC 19.23 and listed as points a-e above. Additional revisions to aspects of the development agreement outside these five points, such as the collection of impact fees or legal clauses, may occur following legal review. In areas relevant, the Commission will be asked to make a recommendation to the City Council regarding approval, approval with conditions, or denial.

CITY OF LYNDEN



TECHNICAL REVIEW COMMITTEE Development Project Report

Date Issued:	September 17, 2019
Project Name:	DA #19-01, Front Street Station
Applicant:	Don Korthuis
Property Owner:	Don and Sally Korthuis
Site Address:	2111 W Front Street
Parcel Number	400224-405095
Zoning Designation:	CSR
Application Type:	Development Agreement and Conditional Use Permit
Parcel Size:	N/A
Meeting Type:	Planning Commission Review and Recommendation (no public comment)
Hearing Objective:	The objective of this application is to provide Planning Commission review of the proposed development agreement in accordance with Section 19.23.020 of the Lynden Municipal Code.
Date application determined complete:	August 26, 2019
Date of Publication:	September 18, 2019
SEPA Determination:	N/A
Project Description:	The applicant is requesting Council approval of a development agreement to facilitate the construction of a 125,210 square foot business park.

Standard Requirements:

The applicant has met the minimum submittal requirements and the application was determined to be complete on August 26, 2019.

Background and Summary:

The CSR zoning category (Commercial Services – Regional) makes provisions for a variety of uses. The zone is defined to include “commercial establishments which require a retail contract with the public together with professional office, storage and warehousing, or light manufacturing”. In addition the specific permitted uses listed in Lynden Municipal Code (LMC) 19.23.020 includes “Business Parks where at least 20%

of the total GFA (gross floor area) of the park is related to onsite retail, showroom or office use”.

When a business park is established, the LMC requires the property owner to formalize an agreement with the City Council after receiving a recommendation from the Planning Commission concerning:

- Permitted, conditional, and prohibited uses with the business park.
- Parking and loading standards.
- Standards for screening of outdoor storage and refuse areas.
- Addressing signage requirements.
- How the building siting and architecture address the street frontages at a pedestrian scale.

As these provisions allow for uses which are more industrial in nature, the review of the Planning Commission should consider:

- Impacts to surrounding commercially or residentially zoned properties.
- The visual impacts along the street frontages.
- Pedestrian provisions.
- The screening of the industrial aspects of the business park such as outdoor storage.

Planning & Community Development Comments:

1. *Document Revisions:*

- a. Title Page - Title page to the development agreement must be added.
- b. All pages of the document including exhibits must meet the County auditor’s standard for margins and legibility. Revise as needed.
- c. Article 1.1 – remove reference to Chapter 18 as it is not applicable here.
- d. Article 1.1 - revise last line to read “comments and conditions set forth in Council findings” rather than as stated.
- e. Article 2.6 has a sub-section “a.” but no “b.”. Revise to correct.
- f. Exhibits B, C, and D must be replaced with a legible versions.

2. *Signage (Article 1.5):* Staff supports the proposal to simply meet the City’s sign code standards within the business park however, please indicate on the site plan the location for a multi-tenant monument sign if one will be utilized.

3. *Permitted Uses:*

- a. Floor Area Example - Exhibit C, the estimated gross floor area map, must be replaced with a legible version.
 - b. Permitted Uses - Article 1.6 concerning permitted uses should include a statement which confirms that FSS will comply with the requirements to maintain at least 20% retail, showroom, or office floor area at all times. As written, the document notes only estimated floor areas but no commitment.
 - c. Permitted uses table – staff recommends the uses which include additional restrictions related to floor area be clarified. As the gross floor area of the business park is already restricted, is the applicant proposing that individual tenant spaces also be restricted? And if so, why? Staff recommends that references to floor area restrictions be removed from the permitted uses table and applied only to the business park as a whole.
 - d. Permitted uses table – Revise the table to show warehousing and wholesaling as “C”, conditional uses, and continue to note the (anticipated) approval of these conditional uses as currently shown.
 - e. Truck, trailer, RV sales and service – although this use is permitted in CSR zoning, staff is concerned that it may not be an appropriate fit for a business park without additional mitigation measures. Please explain how this use could fit within FSS.
4. *Parking (Article 1.6):* Staff supports the proposed retail parking standard (4 per 1000 sf) applied to 20% of the gross floor area and a light industrial standard (1 per 1000 sf) applied to 80% of the gross floor area.
5. *Loading (Article 1.7):* Clarification: Article 1.7 does not specify which buildings within FSS are subject to loading requirements. Per the description it appears all of the buildings will be required to have a loading area. This is consistent with City code. Please clarify the language of Article 1.7 to confirm applicability to FSS.
6. *Loading Locations:* Please reference Exhibit B in article 1.7 related to loading areas and show proposed loading areas on the site plat. Note that loading areas cannot overlap with required parking. Staff supports the flexibility to allow for the relocation of these loading areas based on tenant needs but not the removal / conversion of loading areas.
7. *Phasing:* Please include in Article 2.1 how vacant portions (future phases) of FSS will be utilized and maintained prior to development. Staff recommends that these areas be eligible for overflow parking, equipment or product storage only if screened from view of West Front Street. Please note and include if applicable:

- a. Per the City's design standards chain link fence is not permitted without Type 1 ornamental landscape screening (LMC 19.61.070).
 - b. Be advised, a drainage report may be required even for unpaved storage areas.
 - c. Be advised, drainage and paving are required for parking lots.
 - d. Please include a maintenance commitment to keep the areas clear of refuse and vegetation mowed.
8. *Outdoor Storage and Refuse Areas:* Per LMC 19.23.020(9) the development agreement must set standards for the screening of outdoor storage and refuse areas. Please address this topic within the development agreement.
9. *Site Layout:* As noted earlier, please include a site plan which is legible and can be recorded by the County auditor as part of the development agreement document.
10. *Building Facade:* Staff acknowledges that the applicant has made a commitment to utilize architectural elements which are retail in nature, for the buildings visible from West Front Street. This includes the incorporation of awnings, sheltered entrances, and storefront windows in buildings A and E. These commitments appear in Article 1 of the development agreement document.
11. *Pedestrian Accommodations:* Staff acknowledges that the applicant has made a commitment to provide pedestrian accommodations in Article 1 of the development agreement document. This includes, but is not limited to, sidewalks servicing each building and landscape improvements including street trees and foundation plantings.
12. *Impact Fee Discount:* Article 2.6 regarding impact fees should reference Resolution 709 rather than the "December 4, 2004 letter of Mayor Lowes". Exhibit D regarding the impact fee discount will need to be replaced with a more legible version prior to recording. Contact Planning Staff for a fee estimate or options regarding construction in lieu of payment.
13. *Impact Fee Timing:* Staff does not object to a proposed fee structure which assumes a general floor area division that utilizes an assumed percentage of office and warehouse. However, staff has concerns related to the proposed structure of impact fees and specifically the two-year review. Staff maintains that impact fees which exceed those paid by the developer, under the assumed floor area, would be due at the time of building permit for tenant improvement. For example, if a tenant improvement permit requested an office build out which exceeded the assumed 20% then additional "office" impact fees would be due as these exceed those paid for the assumed "warehouse" use. Revise as needed.

Public Works

14. *Utility improvements:* The timeline commitments which appear in Article 1.4 regarding potential City improvements must be removed from the document. While it is true that the City is seeking outside funding, this funding nor the timeline for improvements has not yet been established. Utility improvements needed to service FSS are the responsibility of the property owner. Article 3.2 items: The West Front Street watermain needs to be replaced. Utilities shall be extended the full frontage of the property as part of the initial construction. Any form of phasing will require a variance from City design standards and/or approval of this development agreement. Any phased/delayed improvements shall be guaranteed in a form acceptable to the City. Bond requirements shall be recorded on the property. Bonds cannot be released without City approvals.
15. *Street Design and Property Dedication:* Article 1.4 – revise language related to street section. Code requires an 80' Industrial Right-of-Way standard. A variance is required for any reductions. However, a site-specific design variance if submitted requiring only a 70' Right-of-Way is supported by staff. This includes a 5' sidewalk, 8' planting area, 5' shoulder, 11' travel lane, 12' center lane. In addition, property owners will be required to dedicate a 10-foot utility easement along the street frontage. See subsequent comment on Right-of-Way.
16. *Right-of-way:* To accommodate the West Front Street improvements as described in the previous comment, the property/development variance must request to dedicate 20 feet of right-of-way the full Front Street frontage of the development. An additional 10 feet of utility easement is required the full frontage. Dedication must occur prior to the issuance of a building permit.
17. *Property Access:* No new / additional vehicular access points will be permitted to the lot from West Front Street except the three shown on the conceptual site plan. The current proposal of three (3) access points requires a traffic/circulation study per Development Standards 5.2(2). Such a study shall address coordinating the most westerly entrance to be planned to provide for the future alignment with a Lynden Door access point. The most easterly access shall provide as much separation from the westerly access point as possible. Staff recommends the access straddle the east property line of the project unless a reciprocal access easement cannot be secured. Please add the topic of access points and the parameters outlined here to the development agreement document.
18. *Standards for Public Improvements:* Be advised, all public improvements must be constructed to the current standards as noted in the City of Lynden Manual for Engineering Design and Development Standards or an equivalent approved through the Planned Residential Development process. This requires improvements the full frontage of the proposed project.

19. *Bonding Requirements:* Be advised, any work within public right of way or involving exiting public facilities shall have a bond in place at 150% of construction costs. A maintenance bond of 10% of the certified construction costs is required for all public facilities prior to any form of project acceptance. The proposed phasing of required public facilities (if approved) will require performance bonding for all work delayed. Bond requirements shall be recorded on the property. Bonds cannot be released without City approvals.

20. *Stormwater*

- a. A stormwater management plan prepared by a professional engineer will be required for this development and must be approved by the City of Lynden prior to an onsite approval of construction plans. An erosion control plan must be included in the drainage plan and construction plans as necessary.
- b. All plans must be designed and constructed in compliance with the Department of Ecology's Best Management Practices and the standards approved in the Manual for Engineering Design and Development Standards. The City cannot guarantee the extent/length of plan approval due to changes in Ecology standards.
- c. Stormwater from public streets may be infiltrated within the dedicated right-of-way, or within a separate dedicated tract, but may not be within the street prism. Infiltration areas and street trees should have adequate separation to insure the proper functioning of the drainage system and survival of the tree.
- d. A Construction National Pollutant Discharge Elimination System (NPDES) permit may be needed.
- e. All private storm systems shall be inspected yearly per approved Operation and Maintenance plans. Inspection shall be submitted to the City for review and acceptance.
- f. The storm drainage report will need to include all existing and proposed properties that utilize common drainage facilities.
- g. Be advised, the site is located in the service area of the West Lynden Regional stormwater facility. This facility provides both quantity and quality functions. However, additional onsite facilities may be required for quantity based on proposed impervious cover for the site and quality, based on planned uses. The proponent may request City acquisition of pond rights if an onsite system is proposed. No guarantee is given that such a request will be accepted by the City.

21. Water

- a. All utilities shall be extended the full property frontage per Division 6.2 (M) of the City of Lynden Project Manual for Engineering Design and Development Standards. Additional review and potential variance request(s) may be necessary depending on development phasing.
- b. The watermain must be replaced to City standard the full Front Street frontage of the development/property. Water shall be extended to the south property line as
- c. A 20-foot utility easement is required for a single public utility located on private property. Two (2) public facilities adjacent to each other requires 30 feet.
- d. Water meters and fire lines shall have appropriate backflow prevention installed that meets the Department of Health and City of Lynden standards.
- e. Fire hydrants are to be placed a maximum of 300 feet apart (clear distance).
- f. The waterlines must be looped through the project for fire protection and placed in public easement.

22. Sanitary Sewer

- a. Sanitary sewer and water system design and construction must meet the requirements of the City of Lynden Engineering Design and Development Standards.
- b. Sanitary sewer must be extended the full frontage of the development/property, at time of initial permit approval per City development standards. Any phasing would require a variance. Installation depth shall be per City standards.
- c. Sewer shall be extended to the southern property line of the development/property or that distance that meets pipe cover requirements per City development standards.
- d. City approved Oil/water separator(s) may be required depending on each individual unit's use. An oil/water separator may be required for waste

Advisory Comments

23. *Legal Review:* Be advised, the legal provisions of development agreement will be subject to legal review prior to Council approval. This may affect the provisions of Article 5.

24. *Civil Drawings:* The construction drawings for any civil and utility improvements must be submitted for review and approval prior to construction. These drawing must illustrate that the utility improvements and extensions meet the standards listed within the Project Manual for Engineering Design and Development Standards, unless they have been specifically varied by the approval of the plat. It is the project engineer's responsibility to be aware of these standards. The Applicant's Checklist and Agreement to Construct shall be submitted with the initial plan submittal.
25. *Civil Review Deposit Required:* Be advised, Non-Residential Development deposit shall be 2% of Civil construction costs or \$2000 whichever is greater for civil plan and drainage plan review is required at time of initial submittal. Deposit shall be kept at this level throughout the review process.
26. *Civil Inspection Deposit:* Be advised that an inspection deposit is required prior to any work occurring.
27. *Infrastructure Installation:* A City of Lynden Fill and Grade Permit is required prior to the commencement of site work. The site and utility work must be addressed on SEPA Checklist.
28. *Performance Bonding Requirements:* Be advised, a 150% performance bond is required for all work in the City's right-of-way or on city owned property prior to work commencing or which is deemed incomplete and accepted by City. Only items not specifically exempted from bonding under LMC 18.18.010(G) are eligible for bonding. Bond requirements shall be recorded on the property. Bonds cannot be released without City approvals. Any approved phasing variance of required public improvements shall be guaranteed at 150% of costs approved by the City.
29. *Maintenance Bonding Requirements:* A post construction maintenance bond for infrastructure in the amount of 10% of the construction costs will be required prior to final plat approval. Bond requirements shall be recorded on the property. Bonds cannot be released without City approval(s).
30. *Landscape Bonding:* Be advised, performance and maintenance bonding will be required for the plat. This relates to street trees and any required mitigation trees/plantings onsite. Bonds are due prior to final plat approval. Bonds shall be at 150% of the certified costs for the plantings and establishment. Bond requirements shall be recorded on the property. Bonds cannot be released without City approval(s).
31. *Surveying:* All surveying work and engineering design must be based on the City of Lynden survey control monuments. AutoCAD files for all improvements must be provided to the City in digital format approved by the City. A copy of the City's control monuments is available to the project consultant for their use.

32. *Property Addressing*: Be advised, all street addressing must follow the requirements of the Lynden Municipal Code. Addresses will be assigned by the Public Works Department prior to final approval.
33. *Development Agreement*: The Development agreement must be recorded prior to permit approval. This document can impose more restrictive conditions on the property but not less restrictive than City of Lynden development code or variance to the code.

Fire and Life Safety

34. *Fire Load*: Staff recommends the applicant review fire load and hydrant locations with the Fire Department prior to permit application. Hydrant locations subject to Fire Department review.
35. *Fire Code*: Be advised, the applicant shall comply with local fire and building codes.

Parks and Recreation

The Parks Department has reviewed the application and has no comment.

Development Agreement Front Street Station

Version 6
October 14, 2019

RETURN TO:

ROBERT A. CARMICHAEL
CARMICHAEL CLARK, PS
P. O. BOX 5226
BELLINGHAM, WASHINGTON 98227

Document Title: Development Agreement for Front Street Station (FSS) Business Park

Street Address: 2111, 2113, 2115, 2117, 2119 block of Front Street, Lynden WA

REFERENCE NO. OF RELATED DOCUMENT:

Partition by Court Order, AFN 2018-1101761

GRANTOR(S):

Front Street Station, a partnership of Don and Sally Korthuis.

GRANTEE(S):

City of Lynden, a Washington municipal corporation

LEGAL DESCRIPTION:

THE EAST 475.00 FEET OF THE FOLLOWING DESCRIBED PARCEL: THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 40 NORTH, RANGE 2, EAST OF W.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH LINE OF SAID QUARTER QUARTER AT A POINT 364 FEET EAST OF THE NORTHWEST CORNER THEREOF; THENCE SOUTH 660 FEET; THENCE EAST 282.8 FEET; THENCE SOUTH TO THE NORTH LINE OF THE TRACT OF LAND CONVEYED TO WHATCOM COUNTY, WASHINGTON, BY DEED RECORDED UNDER AUDITORS FILE NO. 637745, RECORDS OF WHATCOM COUNTY, WASHINGTON, WHICH TRACT IS NOW OWNED BY THE CITY OF LYNDEN; THENCE EAST, ALONG THE NORTH LINE OF SAID CITY OF LYNDEN TRACT AND SAID LINE PRODUCED EASTERLY, TO THE EAST LINE OF SAID QUARTER QUARTER; THENCE NORTH, ALONG SAID EAST LINE, TO THE NORTH LINE OF SAID QUARTER QUARTER; THENCE WEST, ALONG SAID NORTH LINE, TO THE POINT OF BEGINNING; EXCEPT THE RIGHT-OF-WAY FOR FRONT STREET/TROMP ROAD LYING ALONG THE NORTHERLY LINE THEREOF.

ASSESSOR'S TAX/PARCEL NUMBER(S):

4002244050950000

DEVELOPMENT AGREEMENT

Front Street Station

This Development Agreement, hereinafter referred to as "Agreement", is entered into by and between the City of Lynden, a Washington municipal corporation (hereinafter the "City", Don and Sally Korhuis who are the owners of the property commonly known as Front Street Station (FSS). These properties are more particularly described in the attached **Exhibit A** (hereafter "FSS" or "Property").

WHEREAS, the City's commercial zoning code, Section 19.23, allows for the approval of business park development with a mix of retail, commercial and industrial uses; and

WHEREAS, the subject property is located within the CS-R zone; and

WHEREAS, the current parcel configuration and site plan for FSS is attached as **Exhibit B**; and

WHEREAS, Section 19.23.020 of the Lynden Municipal Code requires a development contract be recorded thereby memorializing the conditions of the Development Permit approval; and

WHEREAS, the City of Lynden Planning Commission recommended approval of the proposed agreement as part of a public meeting on October 24, 2019, and

WHEREAS, the resulting resolution was approved by the Lynden City Council; and

WHEREAS, this Agreement is prepared according to RCW 36.70B.170-200; and

WHEREAS, the above recitals are a material part of this Agreement; and

WHEREFORE, the City of Lynden and FSS to enter into this Agreement and for and in consideration of the mutual covenants, duties and obligations herein set forth, do agree as follows:

ARTICLE I

LAND USE AND SETBACK REQUIREMENTS

- 1.1 FSS is located within the CS-R zone. Any development or design requirement for FSS not specifically listed below shall be in accordance with Chapter 19 of the Lynden Municipal Code (LMC) and will conform to all requirements, comments and conditions set forth in Council findings.
- 1.2 **Design Review:** The City has multiple commercial design zones around the city. FSS will be a new commercial design zone on Front Street, between Duffner Street, and Tromp Road. FSS will be subject to the City of Lynden Design Standards for commercial development per the following specifics:
- a. Buildings A (2119 Front St) & E (2111 Front St), will have common architectural theme. The front façade will have a general retail appearance.
 - b. The architecture and façade of Buildings A and E, which are immediately adjacent to Front Street, will meet standards common with Lynden commercial development on an arterial street. This will include pedestrian scale elements, such as awnings and /or sheltered entrances, storefronts, pedestrian scaled lighting, varied façade treatments, and landscape enhancements. The following elevation is an approximate idea of the façade.
 - c. The architecture and façade of Buildings B (2117 Front St.), C (2115 Front St), and D (2113 Front St.), which are screened by street-front buildings, may be viewed as industrial in appearance. These building will have their own simpler architectural theme, with some design elements repeated from Buildings A and E.
 - d. Per city code, the site plan will have provisions for pedestrian, vehicular, and truck movement throughout the site. Internal sidewalks will be a minimum of 5 feet in width. Wheel stops or 7 foot wide sidewalks will be provided as needed to prevent parked vehicles from encroaching into minimum walkway width. Each building will have access roads around the complete building.
 - e. Buildings A & E will incorporate screening of mechanical equipment, trash collection areas, and loading access so that they are minimally visible from the street.
 - f. Landscape improvements are required for all parking areas and will be done per LMC 19.61.100.
 - g. Landscape improvements which include street trees and foundation plantings as are required for all areas visible from Front Street.
 - h. Outdoor storage areas will be allowed for the occupants of buildings B, C and D. This will be kept clean and can be revoked with a tenant if it is deemed undesirable by FSS.
- 1.3 **Setbacks:** Minimum building setbacks and building separation will be consistent with requirements for CS-R zoning as set forth in the LMC 19.23.

- 1.4 **Dedicated street right of way:** The City is seeking outside funding to construct an updated 3-lane street as an extension from the current 3-lane street west of Duffner drive to Tromp Road. The City will need a 30' of right away on the south side of Front Street to build this. This includes a 5' sidewalk, 3' plant areas, 5' bike lanes, 11' thru lanes, and a 12' center turn lane (6 feet on both the north and south side of the center line (exhibit E). The current right of way is 40 feet (20 feet on each side of the center of Front Street. This requires the FSS to dedicate 10 additional feet each for this purpose.. In addition to this, FSS will give a 10' utility easement adjacent to the north property line.
- 1.5 **Property access:** There will be three access points off of West Front Street. The easterly access will be shared with the property owner to the East of FSS. Extending from the West edge of FSS, the west access will be a full width truck access 23'-6" wide.
- 1.6 **Signage:** All signage will meet Lynden City Municipal code 19.33 and seek Design Review Board approval as applicable. Lessee's will not place any sign upon the premises or the building complex without FSS's prior consent and City of Lynden approval.

- 1.7 **Permitted Uses:** Per LMC 19.23.020, Business Parks such as FSS are permitted where at least 20% of the total gross floor area (GFA) of FSS is related to onsite retail, showroom, or office use. FSS is committed to maintain a minimum of 20% retail, showroom or office floor area at all times throughout all phases. Individual tenants may be less than 20%, however the entire FSS business park will meet or exceed the above mentioned 20%.

It is estimated that buildings A & E will be approximately 30% retail showroom space, and 70% warehouse space. Buildings B, C, And D are estimated to be 20% office space, and 80% warehouse space. For illustration only, demonstration of this standard is illustrated in **Exhibit C**.

Uses permitted within the FSS are outlined below. Any use that is not listed below is not a permitted use unless it determined to be comparable to a permitted use by the City of Lynden Planning Director based on the applicant's statement of use. The applicant must bear the burden of proof to show how the use is comparable to the listed use.

In the table below, uses are notated as follows: P = Permitted Use; PA = Permitted as an accessory use; N = Not permitted; C = Permitted as a conditional use.

Land Use	Buildings A & E	Buildings B, C & D
Agricultural product and/or equipment parts sales. No outside display of equipment	P	P
Auction facilities for other than animals use	N	P
Banks and financial institutions	P	P
Barber shops, beauty salons	P	P
Brewery, Pub, brewpub	P	P
Business schools	P	P
Commercial recreation	P	P
Construction material sales. No outside displays	P	P
Contractors and construction services (May include a showroom: plumbing, office area,		P

lighting, etc)	P	
Convention center, including banquet facilities and/or meeting halls	P	N
Day spas	P	P
Farm implement and machinery sales and service or large machinery rentals	P	P
Fitness facilities	P	P
Government agency offices or government facilities.	P	P
Grocery store	P	P
Home furnishings stores	P	P
Home improvement and hardware stores	P	P
House of Worship	P	P
Laundry and dry cleaning facilities	P	P
Landscape plants and landscape materials for retail sales, no outside display	P	P
Liquor sales	P	P
Manufacture, fabrication, assembly, woodworking and metal working shops	N	P
Martial arts or dance schools	P	P
Medical and dental clinics (see Surgical Centers below) Walk-In Clinics	P	P
Medical services overlay	P	P

Non-retail communications services	N	P
Non-profit offices that include warehousing	P	P
On-site hazardous waste treatment (no treatment allowed in HBD) and storage as an accessory use to any activity generating hazardous waste and lawfully allowed in the zone, provided that such facilities meet the state siting criteria adopted pursuant to the requirements of Chapter 70.105.210 RCW.	N	PA
Pet supply store and grooming (no boarding)	P	P
Pharmacy	P	N
Photography studio	P	P
Printing and duplicating shops	P	P
Professional and business offices	P	P
Public use facilities	P	P
Research and development facilities	P	P
Restaurant — with drive thru Coffee Stand	P	P
Restaurants and cafés	P	P
Retail (general retail) not otherwise defined	P	P
Retail appliance and electronic equipment sales, including parts sales and repair	P	P
Retail feed and seed stores	P	P
Retail heating, plumbing and electrical equipment sales, including parts sales and repair	P	P

Retail shopping center or mall	P	P
Retail stores greater than 65,000 square feet	P(1)	P(1)
Sign design, fabrication, and installation companies	P	P
Surgical centers	P	P
Theaters and movie theaters	P	P
Truck, trailer, recreational vehicle sales and limited light, clean service	P	P
Utility facilities	P	P
Veterinary clinics, laboratories	P	P
Warehousing, including open to the public	C(2)	C(2)
Wholesaling, including open to the public	C(2)	C(2)

- (1.) See LMC 19.23.080 and 19.23.090 for special conditions for large retail uses.
- (2.) Conditional Uses permitted with conditions by City of Lynden per Resolution. These two uses, warehousing and wholesaling are being requested through a Conditional Use Permit applied for. These will change to P, when the Conditional Use Permit is permitted by City of Lynden per Resolution.

- 1.8 **Parking Requirements:** FSS will abide by the off-street parking requirements of LMC 19.51. Because FSS will provide leasable floor area for a variety of commercial and light industrial users, parking ratios specific to use cannot be calculated at the time of development.

Per LMC 19.23.020 the project is required to maintain at least 20% of the gross floor area as retail, showroom, or office use. This may include restaurants, personal or medical services. As such, 20% of the gross floor area will be parked at a general commercial ratio of a minimum of 4 stalls for every 1000 square feet of floor area. The remaining 80% of the gross floor area will be parked at a general light industrial standard of a minimum of 1 stall for every 1000 square feet. This standard is applicable to each phase of the project.

- 1.9 **Loading Requirements:** FSS Buildings are intended for manufacturing, storage, warehouse, showroom, department store, wholesale store, market, laundry, dry cleaning, retail, or other use involving the receipt or distribution of vehicles, material or merchandise, will have adequate space for standing, loading and unloading services in order to avoid undue interference with the vehicular movement through the site.

Each building will have loading space(s), which will include a minimum of one 10 foot by 25 foot loading space, with 14 foot height clearance for each building the space will be so situated that no part of a truck or van using the loading space will prevent the flow of traffic.

ARTICLE II PHASING AND IMPROVEMENT REQUIREMENTS

- 2.1 **Phasing:** There will be multiple phases in construction of FSS. The first phase will be Building A and Building B. The following phases will be determined by the fill rate of Buildings A and B. FSS anticipates 3 phases. The second phase is initially planned to be buildings C & D, with the final phase building E.

Vacant land will be maintained by mowing as needed, minimum twice per year. If overflow storage is needed on the vacant land, it will be properly screened.

- 2.2 **Frontage Improvements:** Front Street is an arterial street, and is planned for a major upgrade in the near future by the City. Therefore, minimum street improvements will be completed. As available, traffic impact fees will be used to improve some of the underground utilities and frontage area.

Landscaping of the street frontage will be completed per the landscape development plan that will be submitted per LMC 19.61.030, 19.61.100, and 19.61.150.

Frontage civil and frontage landscaping will be done in two phases. The first phase will include at minimum the west 180 feet of property frontage. When building E is completed, the remaining street frontage will be completed. Required street frontage improvements, including street tree and landscape installation will be completed prior to final occupancy of each phase.

- 2.3 **Outdoor storage and Refuse areas:** Building A and E will have a designated outdoor area, with screening, for refuse containers. Buildings B,C,D will have refuse stored either inside the building, or near the rear service doors, for example the west side of building B. Outdoor storage will be discouraged, and will be less than 30% paved area.
- 2.4 **Utility Improvements:** Sewer and water lines will be provided per the civil engineer drawings. Fire flow shall be adequate prior to final occupancy of each building.
- 2.5 **Parking and Loading Areas:** All drive aisles, parking and loading areas must be paved per phase prior to final occupancy of the associated building.
- 2.6 **Sidewalks improvements:** A sidewalk connection to Front Street will be completed prior to final occupancy of the first building of phase one. Sidewalks associated with each building shall be completed prior to final occupancy of each building.
- 2.7 **Impact Fees:** Impact fees will be paid at the time completion of each phase. All impact fees will reflect the 50% West Lynden Discount, per December 4, 2004 letter of Mayor Lowes, Exhibit D.

Shell Structures: Permits for shell structures will provide a general floor plan showing an assumed ratio of finished and unfinished floor space. Buildings B,C,and D are expected to have 12 separate rental units. Each unit is estimated to have 400 square feet of office space and 1,600 square feet of warehouse for a total of 2,000 square feet per unit. This works out to be 20% office space of the gross floor area. Buildings A and E's square footage is expected to be approximately 40 % office/retail and 60% warehouse. With this estimate FSS will pay tenant improvement impact fees.

Normally, time is of the essence when a tenant contacts FSS to rent space. A typical tenant will quickly decide to rent a space and want to immediately move in. It is FSS's intent to make a best guess estimate up front on uses, so as not to delay tenants to move in quickly, without the delays associated with a building permits and conditional use permits.

Two years after completion, if the square foot usage is significantly different than the estimate above, FSS and the City will at that time make adjustments in fees. As it is impossible to predict who will rent the spaces available, how they will use it and how long they will rent, FSS see this as a reasonable compromise.

ARTICLE III INFRASTRUCTURE DEVELOPMENT REQUIREMENTS

- 3.1 **Easements:** Utility easements must be granted to the City of Lynden and recorded prior to final occupancy of associated buildings.
- 3.2 **Utilities:** Adequate water lines are currently in place. Frontage sewer and stormwater will be done in two phases. The first phase will include at minimum the west 180 feet of property frontage. When building E is completed, the remaining street utilities will be completed. Required street utilities will be completed prior to final occupancy of each phase. Restaurant spaces may be subject to additional requirements such as grease interceptors (traps).

- 3.3 **Stormwater:** A stormwater management plan prepared by Freeland Engineering and a professional engineer will be prepared for this development and will be approved by the City of Lynden prior to final approval of the civil construction plan or building permit for any new building. This plan will be an approval for all future stormwater construction. An erosion control plan will be included in the drainage plan and construction plans as necessary. This will be designed and constructed in compliance with the Department of Ecology's Best Management Practices and the standards approved in the Manual for Engineering Design and Development Standards effective at the time of a submitted building permit or fill and grade permit application whichever is first submitted.
- 3.4 **Fire Hydrant Placement:** Fire hydrants shall be spaced at 300 feet and placed at least 50 feet from any obstruction or as otherwise required by the local fire marshal.
- 3.5 **Access and Transportation:** There will be three driveway cuts into Front Street. The eastern driveway cut will be a shared entrance with the property owner adjacent to the eastern edge of FSS. Phase one will include the two westerly driveways. See site plan, Exhibit B, for details.

ARTICLE IV ASSIGNMENT AND TRANSFER

- 4.1 After its execution, the Agreement shall be recorded in the office of the Whatcom County Auditor. Each commitment and restriction on the development subject to this Agreement, shall be a burden on the Property, shall be appurtenant to and for the benefit of the Property, and shall run with the land. This Agreement shall be binding on the City and owners of the Property, and their respective heirs, administrators, executors, agents, legal representatives, successors and assigns. Upon any sale or conveyance of the property by an owner, such owner shall be released from the obligations of this agreement and the obligations stated herein shall be enforceable solely against the successor owner of the Property

ARTICLE V MISCELLANEOUS

- 5.1 This writing including the exhibits hereto constitute the full and only agreement between the parties, there being no promises, agreements or understandings, written or oral, except as herein set forth, or as hereinafter may be amended in an acknowledged writing and in accordance with the LMC.
- 5.2 In the event the owners of FSS fail to comply with the commitments set forth herein, within one hundred twenty (120) days of written notice of such failure from the City, in addition to any other remedies which the City may have available to it, the City shall have the right, without prejudice to any other rights or remedies, to cure such default or enjoin such violation and otherwise enforce the requirements contained in this Agreement, and to collect the direct costs associated with such action, including reasonable attorney's fees and costs, from the owners of FSS.

In the event the City fails to comply with the commitments set forth herein, within one hundred twenty (120) days of written notice of such failure from FSS, in addition to any other remedies which FSS may have available to it, FSS shall have the right, without prejudice to any other rights or remedies, to cure such default or enjoin such violation and otherwise enforce the requirements contained in this Agreement, and to collect the direct costs associated with such action, including reasonable attorney's fees and costs, from the of the City.

- 5.3 In the event that a judicial dispute arises regarding the enforcement or breach of this Agreement, then the prevailing party in such dispute shall be entitled to recover its attorney's fees and costs reasonably incurred, including fees and costs incurred on appeal.
- 5.4 This Agreement, and the rights of the parties hereto, shall be governed by and construed in accordance with the laws of the State of Washington and the parties agree that in any such action venue shall lie exclusively in Whatcom County, Washington.
- 5.5 Nonwaiver of Breach. Failure of either party to require performance of any provision of this Agreement shall not limit such party's right to enforce such provision, nor shall a waiver of any breach of any provision of this Agreement constitute a waiver of any succeeding breach of such provision or a waiver of such provision itself.
- 5.6 Any notice which a party may desire to give to another party must be in writing and may be given by personal delivery, by mailing the same by registered or certified mail, return receipt requested postage prepaid, or by Federal Express or other reputable overnight delivery service, to the party to whom the notice is directed at the address of such party set forth below:

City of Lynden: Heidi Gudde, Planning Director
300 4th Street
Lynden, WA 98264

Business: Don and Sally Korthuis
1610 Grover St. Suite B5
Lynden WA 98264

or such other addresses and to such other persons as the parties may hereafter designate in writing to the other parties. Any such notice shall be deemed given upon delivery if by personal delivery, upon deposit in the United States mail, if sent by mail pursuant to the foregoing.

- 5.7 No Impairment of City Regulatory Discretion. Nothing in this Agreement shall limit the City's exercise of its lawful regulatory discretion in approving pending or new applications in accordance with applicable ordinances, so long as such discretion is exercised consistent with the terms of this Agreement.
- 5.8 Reservation of Authority. The City reserves authority to impose new or different regulations on the Property to the extent required by a serious threat to public health and safety. This reservation is intended to comply with RCW 36.70B.170 (4). If such

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

NOTARY PUBLIC FOR WASHINGTON
My Commission Expires: _____.

STATE OF WASHINGTON)
) §
County of Whatcom)

On this _____ day of _____, 2019, before me, _____, a Notary Public in and for said State, personally appeared _____ known or identified to me, and acknowledged to me that he executed the same and is authorized to execute the foregoing instrument as Owner of Front Street Station.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

NOTARY PUBLIC FOR WASHINGTON
My Commission Expires: _____.

STATE OF WASHINGTON)
) §
County of Whatcom)

On this _____ day of _____, 2019, before me, _____, a Notary Public in and for said State, personally appeared _____ known or identified to me to be the Mayor of the City of Lynden, WA, respectively, that executed the instrument or the person that executed the instrument on of behalf of said municipality.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

NOTARY PUBLIC FOR WASHINGTON
My Commission Expires: _____.

EXHIBIT A
FSS Development Agreement

Legal Description THE EAST 475.00 FEET OF THE FOLLOWING DESCRIBED PARCEL: THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 40 NORTH, RANGE 2, EAST OF W.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

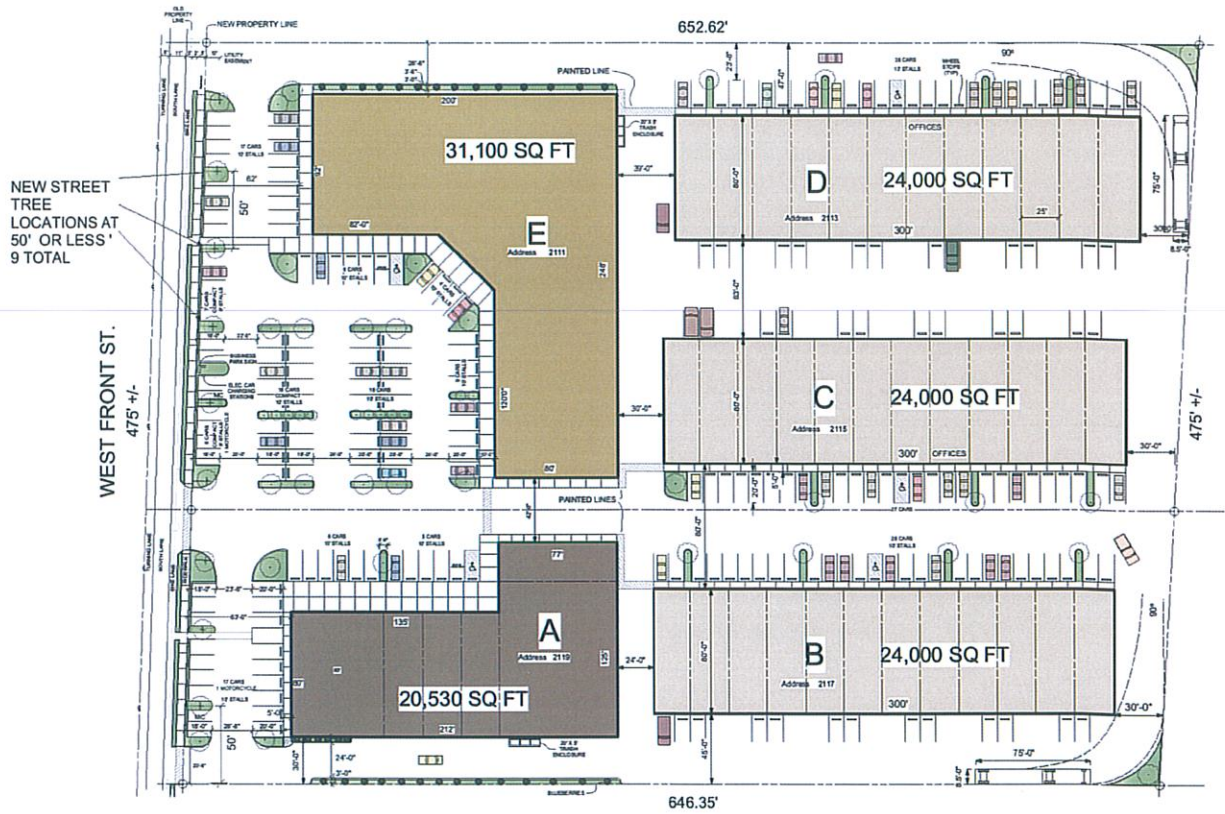
BEGINNING AT THE NORTH LINE OF SAID QUARTER QUARTER AT A POINT 364 FEET EAST OF THE NORTHWEST CORNER THEREOF; THENCE SOUTH 660 FEET; THENCE EAST 282.8 FEET; THENCE SOUTH TO THE NORTH LINE OF THE TRACT OF LAND CONVEYED TO WHATCOM COUNTY, WASHINGTON, BY DEED RECORDED UNDER AUDITORS FILE NO. 637745, RECORDS OF WHATCOM COUNTY, WASHINGTON, WHICH TRACT IS NOW OWNED BY THE CITY OF LYNDEN; THENCE EAST, ALONG THE NORTH LINE OF SAID CITY OF LYNDEN TRACT AND SAID LINE PRODUCED EASTERLY, TO THE EAST LINE OF SAID QUARTER QUARTER; THENCE NORTH, ALONG SAID EAST LINE, TO THE NORTH LINE OF SAID QUARTER QUARTER; THENCE WEST, ALONG SAID NORTH LINE, TO THE POINT OF BEGINNING; EXCEPT THE RIGHT-OF-WAY FOR FRONT STREET/TROMP ROAD LYING ALONG THE NORTHERLY LINE THEREOF.

Street Address's: 2111, 2113, 2115, 2117, 2119 Front Street, Lynden WA, 98264.

EXHIBIT B = Site Plan FSS Development Agreement

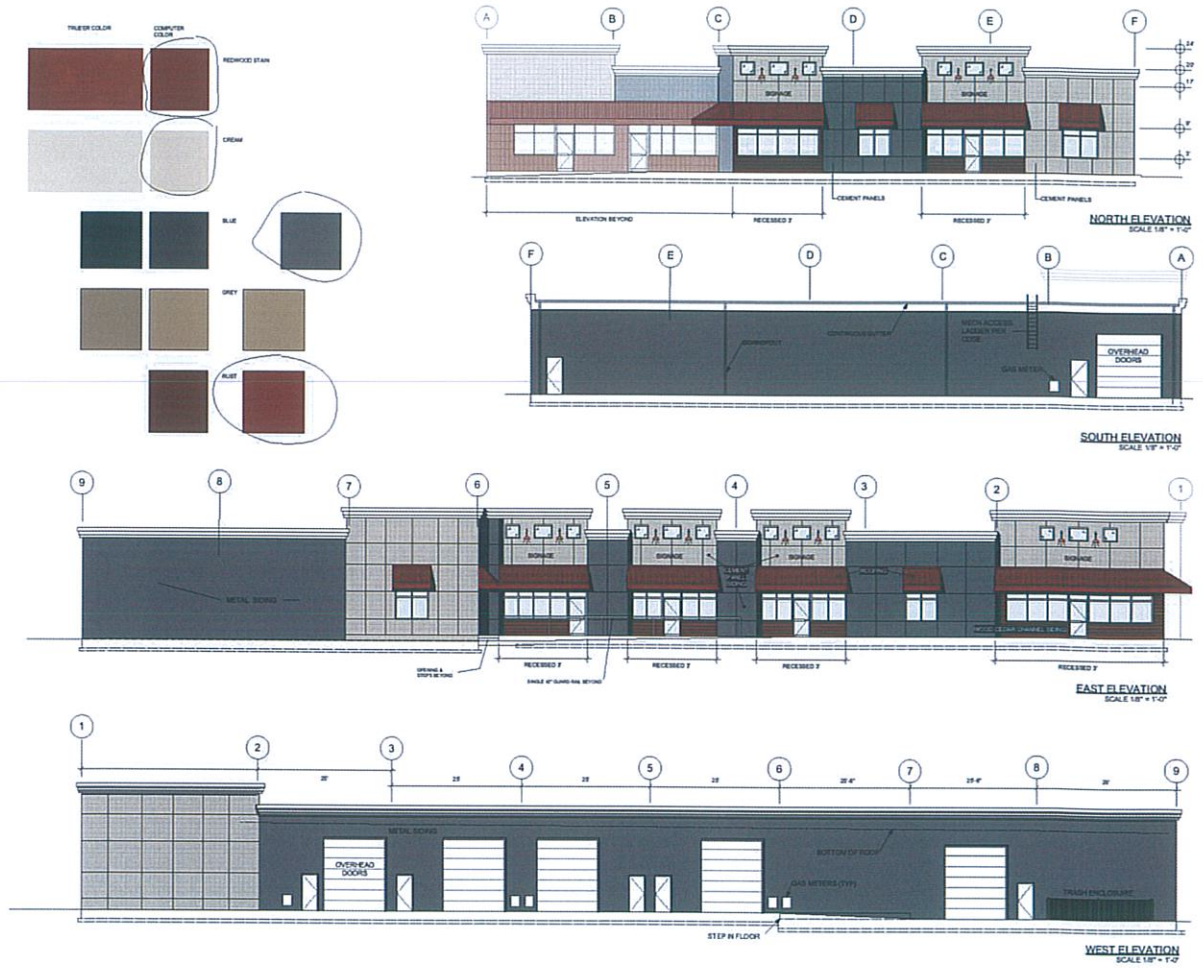
PARKING

TOTAL PARKING SPACES 227
REQUIRED ADA ACCESSIBLE: 2% OF TOTAL (227) = 5 SPACES
ADA ACCESSIBLE STALLS PROVIDED = 5

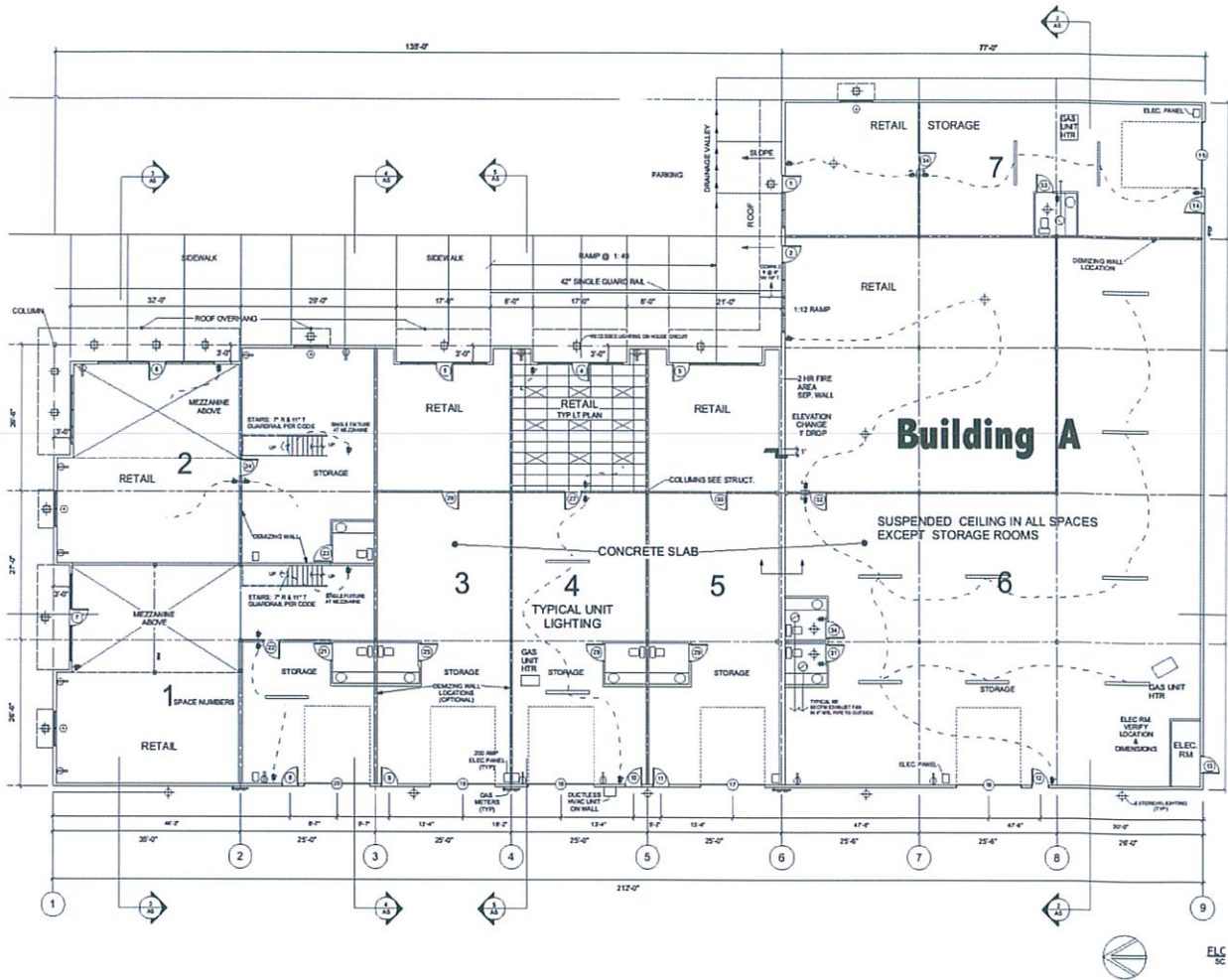


PRELIMINARY SITE PLAN
SCALE 1" = 30'

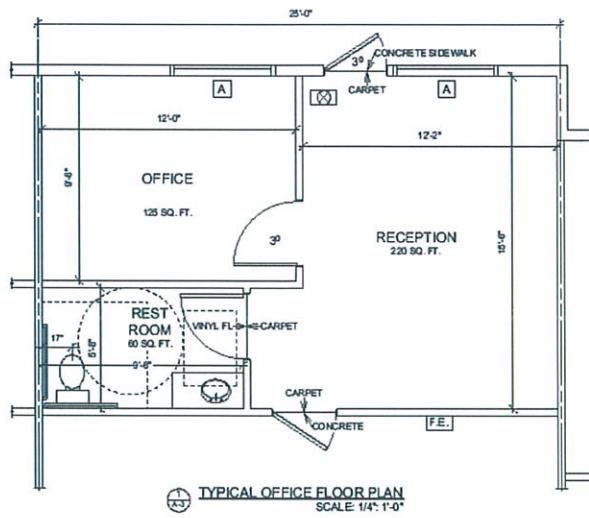
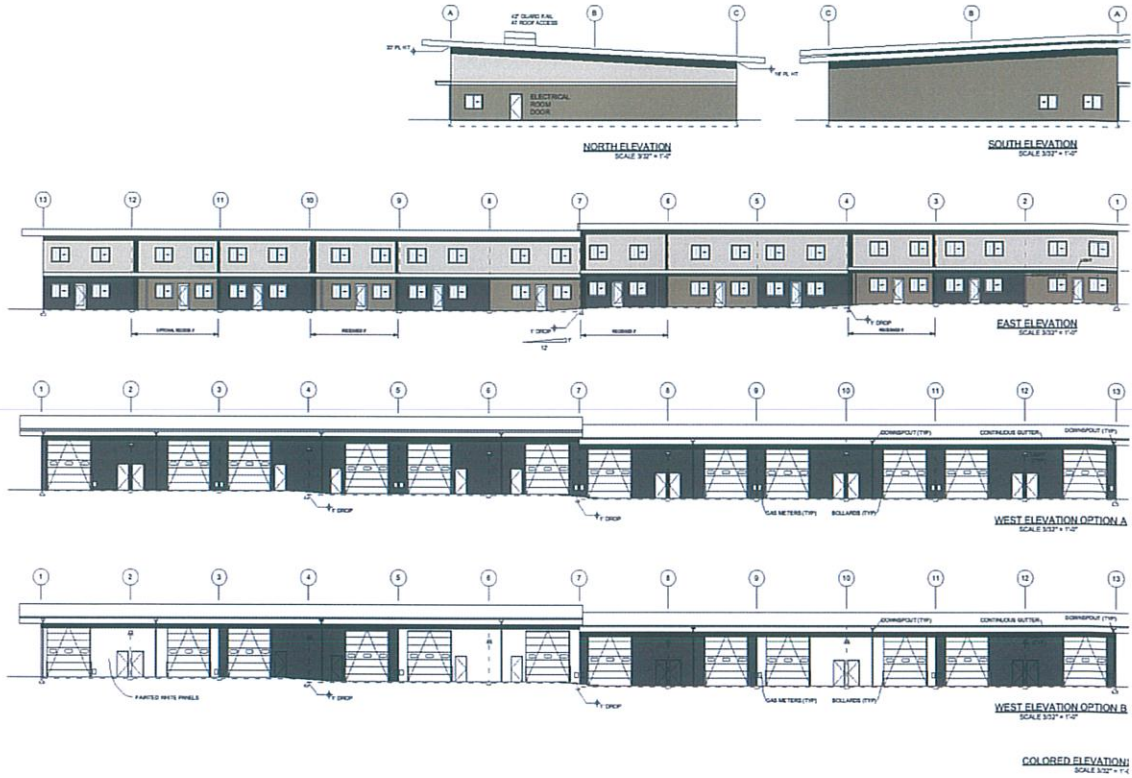
EXHIBIT C = Estimated Gross Floor area map
FSS Development Agreement
Building A – 2119 Front St.



Building A – 2119 Front St. Floor plan



Building B – 2117 Front St.



Building B – 2117 Front St. Floor plan

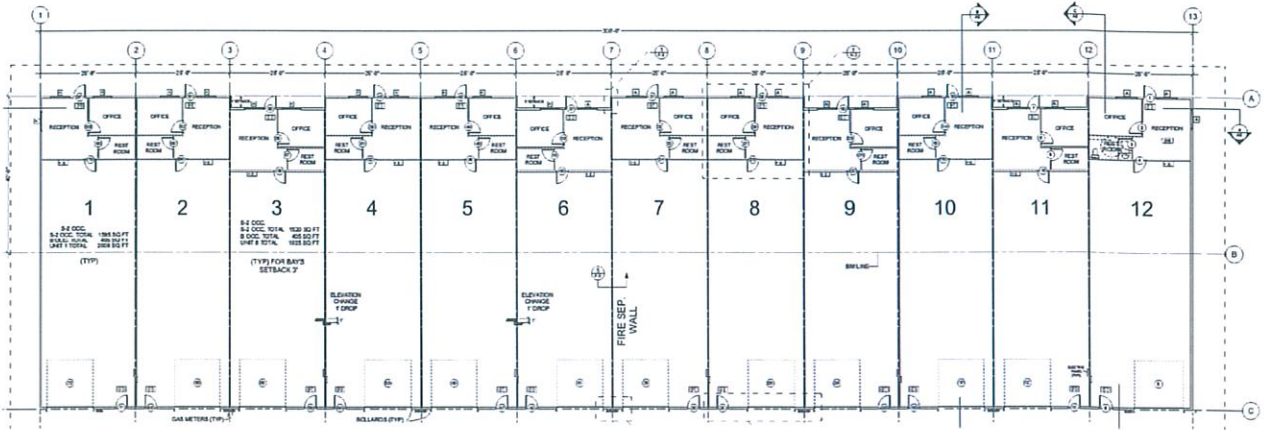


EXHIBIT D Impact fee discount FSS Development Agreement

December 27, 2004

To Honorable City Council Members Adelstein, Bode, Burns, DeValois, Kuiken, Laninga, and Vis;

RE: Economic Development and Impact Fees

In the next twenty years, Lynden is anticipating more than eight thousand new residents within the community. Each year Lynden and Lynden Christian High Schools graduate more than three hundred students from the two high schools combined. In the current update to Lynden's Comprehensive Plan, the City is considering where these new residents and students may live and work and developing a land use plan that will insure there is adequate land area to meet those needs.

In addition to planning for the residential growth, the Comprehensive Plan works to make certain that there will be sufficient land for future commercial and industrial growth. However, planning for the land area is only one step of the process. Filling that property is also essential to Lynden's balanced growth and economic future. While the policies of the Comprehensive Plan and the goals of the Economic Development Plan, all champion creating new jobs through either business retention or new business attraction, there is a lack of positive strategies to implement these goals.

To encourage balanced growth within the community and to improve the City's self-sufficiency, more must be done to make Lynden a competitive place to do business. The City's distance from I-5, limited rail service, restricted border crossing hours and the cost of land all work against the City when trying to attract new industrial business. These are factors that the City can not change.

What the City can do to make Lynden competitive is to consider the structure for certain fees that business and industry pays to the City when they apply for their permits. The table below shows what certain types of businesses might currently pay in transportation and park impact fees at the time of their building permit.

Type of Business	Park Impact Fees	Transportation Impact Fees
70,000 sq. ft. Manufacturing Facility	\$6,580	\$94,483
10,000 sq. ft. Warehouse Facility	\$940	\$8,573
5,000 sq. ft. General Office Building	\$1,170	\$13,589
5,000 sq. ft. Medical/Dental Building	\$1,170	\$33,926
50,000 sq. ft. Retail Building	\$7,000	\$155,897

Many times, these fees are in addition to other development requirements, such as utility extensions or frontage improvements. While the impact fees may be a small portion of the total project cost, they can often serve as an indicator as to how the community responds to business.

My recommendation to the City Council is that the Council considers designating the land use zones I-1, I-2 and CS-3 as economic development assistance areas by resolution and citing how development in this area will economically benefit the Lynden community. Some examples of those benefits include:

1. Increased property taxes. Most properties are currently in open space taxation and the City is receiving very minimal property taxes. (For example, one parcel in the designated area is currently paying approximately \$360 per year in property taxes - total. Taken out of open space, the same property undeveloped would contribute approximately \$8,000 per year)
2. Stronger employment base to support the growing residential population. Families would not have to leave town in order to find employment, increasing the social benefit within the City.
3. Development activity spurs other types of funding opportunities like Whatcom County's Economic Development Initiative and CERB grants/loans.
4. Financial investments in the community through job creation, vocational training, sales tax revenue (people shop where they work), as well as social investments, are important to Lynden's future.

Providing the incentive across the industrial zoning spectrum (I-1, I-2 and CS-3) ensures that regardless of where the property is located, the incentives will apply to the type of development needed most within the Lynden community: job creating, manufacturing and assembly types of growth. The City has experienced very strong residential growth, as well as strong commercial growth. Now is the time to continue to balance the growth equation with new "industrial" jobs.

I recommend that the City provide a 50% reduction in Park and Transportation impact fees for these specifies zones. The transportation mitigation fund will be reduced by approximately \$415,500 and the parks mitigation fund approximately \$22,000 by taking this action, but I contend that if we work with the County and State for Economic Development monies, we will be able to adequately provide the infrastructure needs of the community using these outside sources of potential money. The City Administration

and Staff are committed to work aggressively to find other revenues to support the proposed projects financed with mitigation funds. Partners such as the Port of Bellingham, Whatcom County (through the EDI program) and the State of Washington CURB and CERT programs are direct examples of potential revenue enhancement sources.

Attached is a draft resolution I'm asking you to consider adopting to take the first step in making this incentive for job creation possible. If the resolution is adopted, staff will then proceed in drafting potential amendments to the various ordinances and resolutions as needed. These amendments would include changes to the Park Impact Fee Ordinance and the Transportation Impact Fee ordinance as well as the Transportation Impact fee resolution.

Thanks for the opportunity to present this to you. As always, I would encourage committee review prior to adoption of a resolution, so I would suggest this be remanded to the Community Development, Parks and Public Works committees and be brought back to Council later for consideration. If you have questions, please contact Administrator Verwolf, Planning Director Harksell, or me.

Respectfully Submitted by,

Jack Louws

RESOLUTION NO. 709

A RESOLUTION OF THE COUNCIL OF THE CITY OF LYNDEN DECLARING THAT ECONOMIC DEVELOPMENT EFFORTS SERVE BROAD PUBLIC PURPOSE AND PROVIDING INCENTIVES FOR ECONOMIC GROWTH

WHEREAS, the City of Lynden desires for its citizens a quality of life that includes aesthetic quality, a strong sense of community and economic health; and

WHEREAS, the City of Lynden seeks a balance between residential growth and employment opportunities within the City; and

WHEREAS, the City of Lynden has adopted a Comprehensive Economic Development Plan that declares the public benefits of economic development and growth within the community; and

WHEREAS, the mission of the Economic Development Plan reads, *"To work with business owners and citizens throughout the City to ensure the future economic health of the City by working to maintain and attract responsible businesses and industries that are compatible with the Communities values."*

WHEREAS, the public benefits of economic growth include an increased property tax base to support municipal services, schools, and other taxing authorities, the creation of jobs to gainfully employ the citizens of the community, increased sales tax revenues, and

WHEREAS, the public benefits of economic growth within the city also include less traffic congestion on outlying roads and highways, reduction in urban sprawl, investment within a municipal area that is able to provide the services needed for business and industry; and

WHEREAS, economic development within the City is supported by the goals and objectives of the Growth Management Act; and whereas,

WHEREAS, providing incentives for economic development is consistent with the Growth Management Act and the City's own goals for encouraging infill development; and

WHEREAS, there are obstacles to Lynden's economic growth that the City can not resolve, such as the distance of the City from Interstate 5, the limited border crossing, the cost of land within the community, all of which have affected Lynden's ability to retain existing businesses and attract new industrial development; and

WHEREAS, within the City limits there is land zoned appropriately for commercial and industrial development to provide opportunity for economic growth; and

WHEREAS, the areas zoned as CS-3, I-1 and I-2 provide land area specifically targeted for agricultural business, and industrial growth: land uses which are targeted for support within the Comprehensive Economic Development Plan; and

WHEREAS, since 1998 the City of Lynden has lost several employers within the City to areas that are ready to develop, are closer to I-5 and are more economical to expand; and

WHEREAS, Lynden needs additional incentives to encourage businesses within those areas to expand and to attract new business to the city and to counter the obstacles to economic growth within the City; and

WHEREAS, mitigation fees for transportation improvements and park and open space facilities may affect a business's decision to locate in the West Lynden Industrial Area; and

WHEREAS, revenue from transportation and park mitigation fees reduced as an incentive for locating within the West Lynden Industrial Area may be recouped through grants for economic development purposes, increase real estate excise tax, removal of property from the open space taxation program and general public benefit;

NOW THEREFORE BE IT RESOLVED by the Council of the City of Lynden to declare that economic development efforts serve a broad public interest to the citizens of Lynden by increasing the property tax base, and creating new jobs within the city; and

NOW THEREFORE BE IT ALSO RESOLVED by the Council of the City of Lynden to declare the zoning designations of I-1 (Industrial), I-2 (Light industrial), and CS-3 (Commercial Services) as economic assistance areas; and

NOW THEREFORE BE IT FURTHER RESOLVED by the Council of the City of Lynden to consider economic incentives, such as the reduction in mitigation fees for park facilities and transportation facilities, for new development in those areas declared as economic assistance areas.

PASSED by the City Council of the City of Lynden, Whatcom County, Washington on the 7th day of February, 2005 and signed and approved by the Mayor on the same date.


MAYOR
Jack Louws

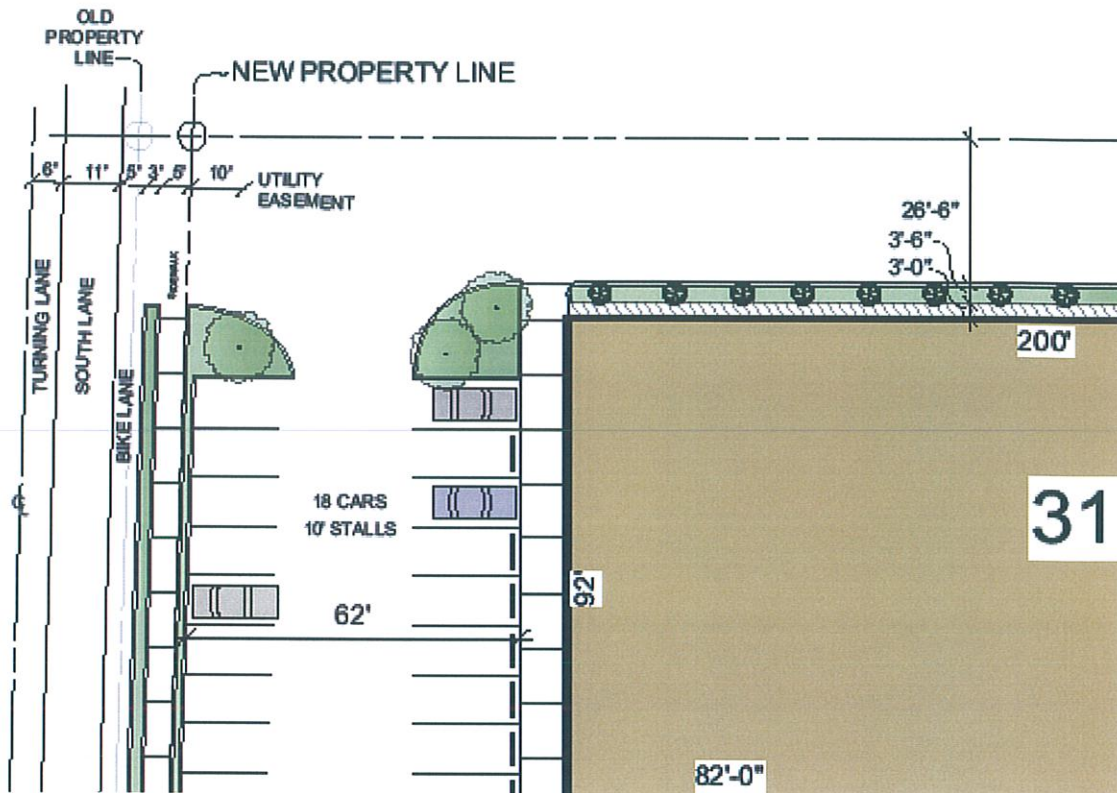
ATTEST:


CITY CLERK
William Verwolf

APPROVED AS TO FORM:


CITY ATTORNEY
Robert Carmichael

EXHIBIT E Proposed right of way
FSS Development Agreement





PLANNING COMMISSION MEETING MINUTES

7:30 PM October 24, 2019
City Hall Annex

1. CALL TO ORDER

2. ROLL CALL

Present: Tim Faber, Diane Veltkamp, Gerald Veltkamp, Blair Scott, Lynn Templeton and Brett Kok.

Absent with notice: Bryan Korthuis

Staff Present: Gudde, Planning Director and Samec, City Planner.

3. APPROVAL OF MINUTES

A. October 10, 2019

Scott motioned to approve the October 10, 2019, Planning Commission Minutes as submitted. Seconded by Kok and the motion passed 5-0.

4. DECLARATION OF CONFLICT

None of the Commissioners reported any ex-parte contact or conflict of interest.

5. PUBLIC HEARING

A. Conditional Use Permit #19-01, Front Street Station Business Park

Chairperson Veltkamp opened the public hearing.

In 2018 the City of Lynden modified the uses permitted within commercial zoning categories. Most of the revisions focused on the Commercial Services – Regional (CSR). As part of this code amendment the uses of wholesaling and warehousing were added as Conditional Uses which require a Conditional Use Permit (CUP) prior to operation.

The pending CUP application is brought forward by Don and Sally Korthuis for a business park development called Front Street Station. It is located on approximately 7 acres of vacant property on the south side of W. Front Street. The application requests the addition of wholesaling and warehousing as permitted uses within the proposed business park. The business park is not intended to be exclusively wholesaling and

warehousing but a wide variety of uses including retail, showroom, office, and light manufacturing as permitted by code.

No written comment was received concerning this application.

Through separate applications, the property owner is in the process of completing a development agreement, a SEPA environmental review, and acquiring approval from the City's Design Review Board. Additionally, the City of Lynden Public Works Department has been designing improvements to West Front Street and pursuing funding for the improvements through Whatcom County's Economic Development Investment (EDI) program.

Don Korthuis, 2151 Stickney Island Road, Everson

Korthuis addressed the Commission and stated that the CUP request is a very critical component that this business park needs. To allow wholesaling and warehousing is very important and will be good for Lynden, good for the economy and good for jobs as well.

Speaking in favor

Clark Vellema, PO Box 453, Snohomish, 98291

Here to support family owned property. The application should be approved. When the city sets forth a matrix it should allow property owners the opportunity to define the use as requested.

Vellema would also like to note that this property is defined as lot 2 of a partition by court order. Vellema owns the other parcel and will likely develop in the future.

Dave Meyers Axton Road, Lynden

Meyers shares a property line with the Korthuis property and would like to speak in favor of the request. It is a good move for the City as far as direction. There is a need for this type of development.

Korthuis referenced his application. Currently the City of Lynden has two specific zoning use classifications relating to the Wholesaling and/or Warehousing of products. Front Street Station desires to have both uses allowable in all the buildings proposed (A-E) in the new commercial business park for the following reasons:

In reference to buildings A, B, C, D, and E.

- At Front Street Station, with its attractive design, more than adequate parking and traffic flow, we will accommodate many such Retailers-Open to the Public in an environmentally pleasing location and safe due to high efficiency exterior lighting to include sufficient parking lot illumination.
- Additionally, the ingress and egress for the both the shopper and businesses will be

not only enhanced but also most accommodating because of the three (3) curb cuts. Since there will also be a multi-tenant business type park in the rear, these 3 curb cuts on Front Street will allow for a more efficient traffic flow, thus mitigating vehicles waiting ON Front Street for safe access into the property.

- While Front Street Station is one block from the Guide Meridian with its retail showrooms and shopping centers, it is still fully compatible with the surrounding area since the businesses that would locate there will still attract all the usual customers.

In reference to buildings A + E.

- While so called Brick & Mortar (B&M) stores are seeing increasing competition from the On- line stores, B&M will always have a very significant place in the overall shopping experience.
- We see many examples not only in Whatcom County, but nationwide as well, where very successful B&M warehouse type stores, and for that matter wholesale stores are seeing an increased presence because of a changing demographic. That change being that it was once thought that the millennial shopper was more prone to use On-Line stores in place of B&M. However, research by shopping center and retail companies show that as those millennia ls have gotten older, they now are shopping with their children IN the B&M stores to provide the "hands on" experience, and to actually demonstrate the product(s) they are considering.
- We see evidence of this in such type stores as Costco, Best Buy, WinCo, etc. for the Big Box stores. However, Front Street Station will not be attracting these stores. We envision stores that warehouse/wholesale such items carpet/floor coverings, for example, Great Floors, Fishtrap Creek Interiors, or Village Lighting, Home products such as doors, windows, (Lynden Door is an example), Furniture stores, etc. These stores are specifically set up to have a retail presence in the front (30% of floor area) while warehousing and/or manufacturing a product in the rear. They also act as wholesalers to the general construction industry as evidenced by what Architects are designing and suggestion for their clients.
- The shoppers experience will be one that they will want to experience again.

In reference to buildings B,C,D.

- In buildings such as these, where the front areas are either office or small retail showrooms, it is not only common but ubiquitous around the country that manufacturing and or wholesaling business are located here.
- Such diverse type businesses would include for example Fastenal (over 1500 "stores" wholesale Open to the Public)) where the front portion is retail and balance is warehouse; small tech companies manufacturing a proprietary product with both offices and warehouse; cabinet/furniture businesses having a small office/showroom while building the product in the warehouse; lighting company catering to the architect/contractor where product is warehoused. The list of all such type users, both

warehouse and wholesale could possibly be endless. It would be difficult to list all such specific users. It is the intent of Front Street Station in buildings B,C, and D to accommodate those businesses not needing any retail presence or even a location that the public can find. It is common that such users only have a very small sign on the glass front door for deliveries and those that have appointments.

Korthuis also provided the following responses to how he believes his application for a Conditional Use Permit meets the following criteria listed under 19.49.020:

1. The proposed use in the proposed location will not be detrimental to surrounding uses legally existing or permitted outright within the zoning district; *Our goal to blend in with the surrounding businesses. The immediate businesses near this development are industrial and agriculture. Warehousing and Wholesaling are specifically in the definition as a CUP. Our goal is to have high end Warehousing and wholesaling as a part of this development.*

Lynden's code 9.23.010 has a definition of CSR Commercial Services – Regional (underlying is added to emphasize) which supports our request: "The purpose of the CSR zone is to support the development of large format retail and regional commercial development. In addition, this zone may support commercial establishments which require a retail contact with the public together with professional offices, storage and warehousing, or light manufacturing. This zone is located where larger parcels and arterial streets are available to support the traffic and land needs for these types of uses. This zone provides the primary location for businesses serving both the local and regional trade area."

Commission has no concerns.

2. The proposed use, together with proposed mitigation, will not be detrimental to public health or safety and will be compatible with the surrounding area and land uses with respect to the following:
 - i. traffic and pedestrian circulation,
 - ii. noise, smoke, fumes, glare or odors generated by the proposed use,
 - iii. building and site design,
 - iv. the physical characteristics of the subject property

We believe that the above criteria will be enhanced by FSS. We will not be renting to "dirty" businesses, such as car repair, fiberglass boat repair, etc. It is our goal to promote clean businesses in Lynden providing living wage jobs. Also, to provide incubator location for new business. Lynden is in urgent need for wholesaling and warehousing. See Business development agreement for the building and site plans.

The Commission agreed that that the proposed use will enhance the area. Faber stated that this answer needs to be reflected in the Development Agreement as well.

3. The proposed use is supported by adequate public facilities and services unless conditions can be established to mitigate adverse impacts to those facilities or services. At this time, adequate utilities are on or near the property for full development. We were very careful that traffic flow throughout FSS was adequate for both car and delivery truck traffic that a Warehouse or Wholesale use would require

The Commission agreed. Templeton asked if they will be required to install a fire hydrant? Gudde stated that they will have to meet all fire requirements.

4. The traffic generated by the proposed use will not cause the traffic circulation system in the vicinity to deteriorate below the adopted level of service. Wholesaling and Warehousing will see no significant change of traffic versus the allowed business park uses

Gudde replied that West Front Street is considered a regional road and the city is responsible for it. A traffic study was completed, however, it is not required for the CUP, The city is applying for EDI funds.

5. The proposed use complies with the performance standards, parking requirements, height, setback and lot coverage requirements, landscaping standards and other provisions of the Lynden Municipal Code. See site plan. Meets or exceeds all city codes for landscaping, parking, traffic flow.

The Commission agrees.

6. There are adequate buffering devices, as specified in the landscape standards, or other topographic characteristics, to protect the adjacent properties from adverse impacts of the proposed use. See site plan. Meets or exceeds all city codes for landscaping, parking, traffic flow.

D Veltkamp asked if there was a way to mitigate traffic between cars vs. trucks. As retail vehicles come to visit, how do will they circulate? Gudde replied that this topic will be looked at through the Development Agreement.

Faber stated that there is plenty of room as there are 3 access. There are plenty of ways to work around that concern. Templeton asked if the truckers will use Tromp Road. Gudde replied, yes, the City prefers that trucks use Tromp. The new design of West Front calls for an all-weather road.

7. The proposed use will not destroy or substantially damage any natural, scenic or historic feature of major importance. N/A. There are none on site.

No concern.

8. The proposed use is generally consistent with the purposes and objectives of the City Comprehensive Plan and applicable Sub-Area Plan.

Yes! We are excited to cooperate with the city goals of this area. Lynden is the only major community in Whatcom County without this sort of facility. It is our goal to make this facility enhance the City.

The Commission had no concern.

D. Veltkamp asked if Korthuis was looking for a CUP for all buildings and phases? Korthuis replied, yes.

Scott motioned to close the public hearing. Seconded by Kok, and the motion passed 5-0.

The Commission reviewed the minimum standards outlined in LMC 19.49.040 regarding the Special Conditions for approval of a CUP within the West Lynden Sub-Area and has found that the request meet the criteria

In addition, the Commission reviewed LMC 19.49.020 regarding standards and criteria for granting a Conditional Use Permit and found that the request meets the criteria.

Faber motioned to recommend approval of the Conditional Use Permit #19-01, for the Front Street Station Business Park as presented, according to the findings, conditions and recommendations of the Technical Review Committee Report dated September 17, 2019 subject to the following condition:

- 1. That the Conditional Use Permit must meet the conditions outlined in LMC 19.49.040.**

Seconded by Scott, and the motion passed 5-0.

6. NEW BUSINESS

A. Development Agreement, Front Street Station Business Park

The approval of a Development Agreement does not require a public hearing therefore we will not be accepting comment from the public.

Gudde addressed her memo dated October 21, 2019 and stated that the Lynden Municipal Code Section 19.23.020 notes that Business Parks are permitted in Commercial Services – Regional (CSR) zoning categories where at least 20% of the total gross floor area of the park is related to onsite retail, showroom, or office use. LMC 19.23.020(9) goes on to specify that property owners developing a business park are required to formalize a development

agreement with the City Council after receiving a recommendation from the Planning Commission which:

- a. Specifies a list of permitted, conditional, and prohibited uses within the business park.
- b. Outlines a parking and loading standards which anticipates the uses permitted.
- c. Creates standards for and screening of outdoor storage and refuse areas.
- d. Addresses unique signage requirements.
- e. Indicates how the building siting and architecture addresses the street frontages at a pedestrian scale.

The development agreement attached has been brought forward by Don and Sally Korthuis for a business park development called Front Street Station. The 7-acre project is located on West Front Street. This agreement is moving forward to the Planning Commission with a corresponding Conditional Use request to add wholesaling and warehousing as permitted uses within the business park. If permitted, the uses would be part of a wide variety allowed within the 124,000 square foot park.

Don Korthuis, 2152 Stickney Island Road, Everson

Korthuis addressed the Commission and stated that this has been a good collaborative effort. There have been 6 versions of this Development Agreement and it is now ready to move forward.

Korthuis is excited about the project. The design is going to be classy with a lot of extra little details. We have every intention of making this very nice.

The Commission reviewed the Development Agreement.

D. Veltkamp addressed Article 1 Land Use Setback and Requirements specifically 1.2 (h) *Outdoor storage areas will be allowed for the occupants of Buildings B, C and D. This will be kept clean and can be revoked with a tenant if it is deemed undesirable by FSS regarding outdoor storage.*

Veltkamp asked, what kind of storage will this consist of? Korthuis replied, temporary storage. Gudde referred to item 2.3 as it addresses outdoor storage and refuse areas. *Building A and E will have a designated outdoor area, with screening, for refuse containers. Buildings B, C, D will have refuse stored either inside the building, or near the rear service doors, for example the west side of building B. Outdoor storage will be discouraged and will be less than 30% paved area.*

D. Veltkamp asked, if language should be added to reference temporary storage?

Gudde replied, maybe simply state, inventory of product cannot be stored outside for more than 48-hours without appropriate screening such as a fence or wall.

Moore stated that the lease agreement already has that stated. It is very specific to outdoor storage.

The Commission would like to see the following language added to 2.3. **No product / inventory or refuse may be stored in outdoor parking areas for more than 48 hours. Refuse areas may be permanently added if screened with an appropriate fence or wall.**

Korthuis indicated that they will update section 2.3 to include said language.

D. Veltkamp addressed 1.7 which states that there has to be a minimum of 20% retail at all times. How will you manage this? Korthuis stated that we will be watching that very closely. That is our requirement and we will make sure that it is properly managed.

The Commission reviewed 1.7 (permitted uses table).

D. Veltkamp asked about Farm Implement and Machinery Sales and Service. D Veltkamp would like to add **no outside display of equipment**. Korthuis is okay with that.

No outside display of equipment should also be added to retail feed and seed stores.

Faber addressed drive through coffee stands and stated that they **should not be allowed in buildings B, C and D**. Korthuis stated that we can revise to not allow.

In addition, the Commission agreed to add **no overnight boarding except for medical purposes under the** Veterinary Clinics and Laboratories category.

Faber also stated that 2.7 should note **Resolution 709** instead of the "Mayor's letter."

There was brief conversation about signage. Korthuis replied, that there will be a monument sign up front between the two driveways on the east end. We are waiting to see who occupies the building. Park name and addresses will be on the monument sign.

Korthuis stated that they will likely install directional signs that will help direct traffic. Deliveries will happen along the back and the customer traffic will be through the middle.

The Commission asked, while Buildings A & B are under construction what are the plans for maintenance of the vacant property? Korthuis replied, I plan to mow 1-2 times per year. Korthuis will keep it tidy.

Faber noted that the turning radius on building D runs into a few parking stalls. Will there be some reconfiguration? Korthuis yes, absolutely.

The Commission stated that they are looking forward to a quality project.

G. Veltkamp asked how long this project will take to construct? In our SEPA Checklist we indicated 10 years, however, we are hopeful that will be much shorter. There are currently two national tenants looking at Building E.

Gudde, noted that there are aspects of the Development Agreement will need to be reviewed by the City's legal counsel.

The Commission asked if staff was satisfied with the responses to all questions in the staff report. Gudde replied, yes.

Faber motioned to recommend approval of the Front Street Station Business Park Development Agreement as presented, according to the findings, conditions and recommendations of the Technical Review Committee Report dated September 30, 2019 and further subject to the following conditions:

1. That the following language be added to Item 2.3: No product / inventory or refuse may be stored in outdoor parking areas for more than 48 hours. Refuse areas may be permanently added if screened with an appropriate fence or wall.
2. That no outside display of equipment be added to Farm Implement and Machinery Sales and Service.
3. That no outside display of equipment be added to retail feed and seed stores.
4. That drive through coffee stands should not be allowed in buildings B, C and D.
5. That no overnight boarding except for medical purposes be added under the Veterinary Clinics and Laboratories category.
6. That Section 2.7 be revised to state Resolution 709 instead of the "Mayor's letter".

Seconded by Kok, and the motion passed 5-0.

7. COMMISSIONERS CORNER

Next meeting will be on November 21st and the agenda will include the Flood Hazard Overlay and the Pepin Creek Sub-Area Plan.

8. ADJOURNMENT

Motion to adjourn by Kok / Second by Scott. Meeting adjourned at 9:00 pm.

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	December 2, 2019	
Name of Agenda Item:	PRD Amendment – RB Development for the Parkview Apts Project	
Section of Agenda:	New Business	
Department:	Planning Department	
Council Committee Review:	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
	Legal Review: <input checked="" type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input type="checkbox"/> Review Not Required	
Attachments:	Planning Commission Package and Minutes of October 10, 2019, Staff memo re Conditions of Approval	
Summary Statement:	<p>Planned Residential Development (PRD) Amendment 19-01 has been brought forward by Scott Goodall representing the property owner of Parkview Apartments. The application is proposing a revision to the PRD Development Agreement which would allow for utilization of residential units originally planned for the area by modifying the perimeter setback of the project, reestablishing a height limitation of 45 feet, and modifying outdoor storage requirements for the proposed units.</p> <p>If the amendment is permitted the application details the construction of senior apartments which would compliment the surrounding property uses.</p> <p>The application went to a public hearing before the Planning Commission on October 10th. The hearing demonstrated that there was consistent support for senior housing opportunities. However, concerns related to scale of the building and traffic impacts ultimately resulted in a recommendation for denial.</p> <p>Despite the recommendation the project applicant has requested that the application continue to the City Council for a final decision.</p> <p>Given the support for the housing type, staff is proposing that the City Council consider the potential conditions detailed in the attached staff memo. The conditions are meant to address the concerns of the Planning Commission while providing a path forward for additional senior housing within the City of Lynden.</p> <p>If the Council determines approval with conditions is warranted, the application will return to Council with detailed findings and the projects corresponding CC&R's.</p>	
Recommended Action:	Motion to [deny] or [approve with conditions] the PRD Amendment Application #19-01 of the RB Development PRD.	



PLANNING DEPARTMENT
Heidi Gudde, Planning Director
(360) 354 - 5532

Planning Department Memorandum

To: City Council

From: Heidi Gudde, Planning Director

Meeting Date: December 2, 2019

Re: PRD Amendment – RB Development Potential Conditions of Approval

Given the support for this housing type proposed at this location and the support for infill development within the City's Comprehensive Plan, the City Council may wish to consider conditions of approval for the PRD amendment.

The following conditions have been vetted with the applicant and are meant to address the concerns of the Planning Commission while providing a path forward for additional senior housing within the City of Lynden. These include:

- Requiring the off-site installation of a pedestrian crosswalk over Aaron Drive that includes curb bump outs to provide pedestrian refuge and traffic calming. This would help to address concerns related to pedestrian safety and improve visibility for vehicles using the Christian Healthcare Center main entrance. (see attached graphic)
- Require parking spaces located on Aaron Drive to be striped to facilitate more efficient on-street parking.
- Increase the minimum setback from Aaron Drive from 15 feet to 20 feet. This would result in a space of 24.4 feet from the edge of sidewalk to the closest point of building frontage. This compares to a setback of approximately 30 feet from the sidewalk at the adjacent building at Bender Plaza. (see attached graphic)
- Reduce the height of the building to a maximum of 41 feet. This would lower the height to less than the adjacent building at Bender Plaza which is 43 feet tall at its peak. (The maximum height of buildings within a PRD is typically 45 feet in association with a 25 foot setback.)
- Reduce the proposed unit count from 50 to 43. This also reduces the ratio of studio apartments to one-bedrooms.

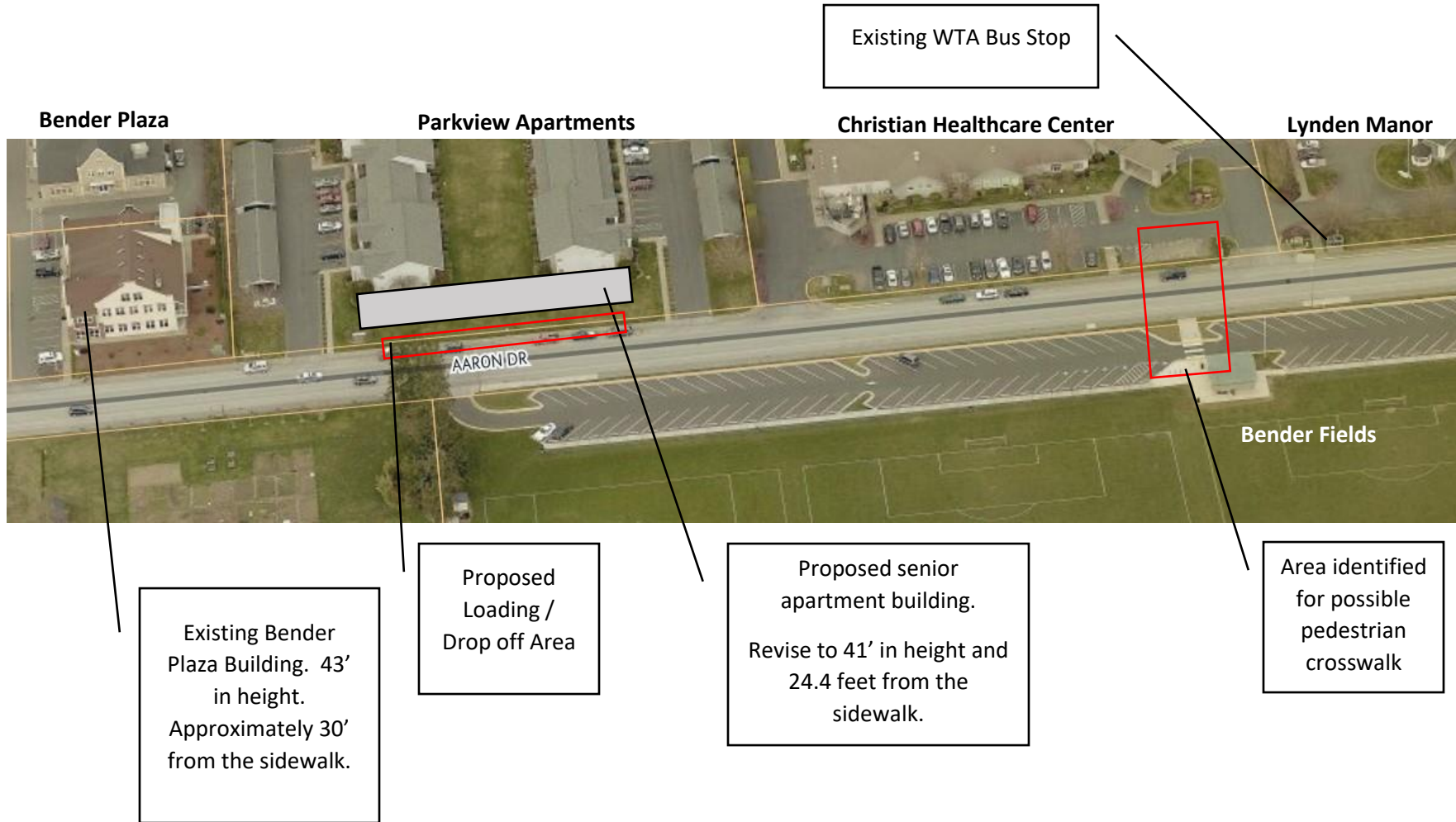


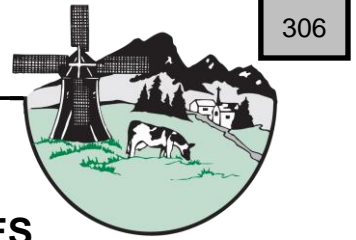
PLANNING DEPARTMENT
Heidi Gudde, Planning Director
(360) 354 - 5532

- Maintain the proposed number of parking spaces. The number of spaces provided would meet the City's parking code and in addition, provide 7 guest spaces. Parking would be assigned to units as a condition of each lease. (Code requires one parking space for each senior unit and two parking spaces for every other unit. Guest parking is not required per code).
- Clarify the bed count to unit count ratio within the PRD to specific that 4 beds within a group quarters (such as the Christian Health Care Center) being equal to 1 residential unit.
- Coordinate with the Lynden Fire Department to provide the fire safety measures of call buttons at each stairway landing. This is more than required by current fire code.

It is important to note that LMC 19.29 requires the applicant to return to City Council with detailed CC&R's. Compliance with these or other conditions would be confirmed within the CC&R approval and detailed findings related to any conditions of approval brought forward to the City Council for review.

Potential Conditions of Approval for the Parkview Apartments Expansion





PLANNING COMMISSION MEETING MINUTES

7:30 PM October 10, 2019
City Hall Annex

1. CALL TO ORDER

2. ROLL CALL

Present: Diane Veltkamp, Gerald Veltkamp, Blair Scott, Lynn Templeton, Brett Kok and Bryan Korthuis

Absent with notice: Tim Faber

Staff Present: Gudde, Planning Director and Samec, City Planner.

3. APPROVAL OF MINUTES

A. September 12, 2019

Scott motioned to approve the September 12, 2019, Planning Commission Minutes as submitted. Seconded by Korthuis and the motion passed 5-0.

4. PUBLIC HEARING

A. PRD Amendment #19-01, RB Development, 801 Aaron Drive, Lynden

Chairperson Veltkamp opened the public hearing.

Gudde addressed her memo dated October 4, 2019 and stated that the RB Development Planned Residential Development (PRD) was originally approved in 1994. It encompassed 28.7 acres of property located between Badger Road and Aaron Drive and stretched from Bender Road to Vinup Road. The request is specific to the Parkview West Apartments, however, will affect the PRD in whole.

The development was planned to accommodate apartments, an assisted care facility (Lynden Manor), town home units, and 4-plex condominiums for a total of up to 437 units. Since its original approval in 1994 the PRD was amended a number of times. Amendments addressed a variety of issues including the inclusion of the Christian Healthcare Center rather than apartments, street construction, setback revisions, and height limit revisions.

The pending amendment to the RB Development PRD seeks to establish a new perimeter (front) setback for the Parkview Apartments parcel, revise an existing storage requirement, and reestablish a previously approved height limitation of 45 feet.

These amendments are needed to facilitate the applicant's proposal of a 5-story building geared specifically to senior living. The apartments are planned to be studio and one-bedroom units. The proposed building has a central elevator and shared amenities. The existing apartments on the site will be maintained as well as the shared green space at the center of the project. The applicant proposes that the project could provide support housing for residents of the next-door Christian Health Care Center. On a larger scale, the applicant asserts that senior housing of this scale is needed in the Lynden area.

Staff has concluded that the intent of the proposed amendment of the RB Development PRD may be consistent with the original RB Development PRD in that:

- It does not exceed the original approved number of units.
- It provides housing which compliments the adjacent skilled health care facility.
- Amenities are available nearby in that the proposed housing can benefit from the commercial services of Bender Plaza, recreational space at Bender Park, and the WTA bus line along Aaron Drive.

Staff has concerns related to the impacts of the project. Mitigating factors related to these impacts should be considered:

- The number of new units proposed at this location is likely to have off-street impacts to parking on Aaron Drive, parking lots intended for Bender Park users, and the parking lots of adjacent properties.
- The proposed building's physical relation to the streetscape. Specifically, having a 45-foot-tall structure within 15 feet of the property line.
- The proposed building's impacts to the existing site. This includes temporary and permanent impacts to the existing residents and the site. Including, but not limited to parking availability, garbage service, traffic interior to the site, and the literal shadow cast on the site and its recreational area.

Scott Goodall, PSE Engineering, 909 Squalicum Way, #111, Bellingham

Goodall is representing the property owners. Goodall stated that the PRD Amendment was originally approved in 1994 and has been amended several times since then. The PRD has predominately been built out, however, there is some opportunity for infill.

Goodall stated that the original PRD contemplated 437 units total, however, to-date only 258 have been constructed. The beds within the Christian Health Care Center were excluded from the total unit count.

The applicants are proposing a 50-unit 5 story senior housing facility which will include studio and 1-bedroom units, centralized hot water, common laundry and efficient kitchens and bathrooms. The building will also have an elevator and a modern fire sprinkler system. The elevator is a need for a retirement facility. Goodall stated that 50-units is really the breakeven number to off-set the cost of the elevator.

Parkview West Apartments consistently has a waiting list for seniors requiring a no-step rise to their units. In addition, many seniors who are on a fixed income are drawn to downsizing and seek efficient spaces. Goodall stated that there is a housing shortage for this type of development and vacancy is very low. Multi-family units are needed and this project will help with the shortage.

The location is great as it sits next to Bender Plaza which offers many amenities within walking distance as well as its proximity to Bender Fields.

Goodall stated that there are a lot of architectural features associated with the proposed building. This addition will update the area and will be a benefit to the community. Most of the existing commercial buildings near by are above average aesthetically, but that is not the case of the existing Parkview Apartments. The existing façade is lacking in appeal and the proposed remodel will vastly improve the buildings appearance.

The request for the setback reduction is necessary to infill in the area. Only half of the building will be within 15-feet as the building elevation steps forward and back. The setback for the other half of the building will vary from 20–30 feet. The units are as small as they can be. As for tenants, there are no plans to displace any existing tenants.

In addition, the amendment is asking to go back to the original height of 45-feet. The height is needed to house the 50-units. The requested open space reduction is to accommodate the additional parking necessary. The applicants are also asking to remove the requirement to have storage units in the parking area as the LMC does not require it.

As mentioned above, this is a great location for infill. The proposed expansion / infill will result in a reduction of environmental impacts compared to development on a vacant piece of land. The project as proposed disturbs no critical areas, has no shoreline impacts and does not displace farmland. It is a responsible project.

No parking variance is necessary as the plan meets the City of Lynden Parking Code.

The project is also proposing to include a designated loading and drop-off zone along Aaron Drive.

D. Veltkamp asked Goodall to clarify the unit count within the PRD, specifically why the Christian Health Care Facility was not included? D. Veltkamp stated, if you included the HC Center you would be at 406 units plus what you are requesting which would actually be over the allowable count. Goodall replied that skilled nursing facilities are not typically treated as the same. D. Veltkamp stated that she is not comfortable with the units not being counted. The residents at that location do live there fulltime and it is their home.

Templeton asked about the underlying zone. Staff replied, the underlying zone is RM-3.

Templeton asked for clarification regarding the storage requirement. Goodall stated that each unit within the Parkview Apartments was required to have a 32 square foot storage unit. Staff stated that the proponents are asking to not continue that requirement for the new units as code does not place specific outside storage requirements on developments.

Templeton also asked about the request to re-establish the height at 45-feet. Gudde replied, one of the amendments that occurred reduced the interior setbacks at the Parkview Apartments as long as the setback was limited, and height was to remain at 2 stories.

Templeton asked about 11 (e) of the Staff Report and asked what are “reasonably related public improvements?” Guide replied, reasonably related public improvements are bus stops, drop off area, replacement of any street trees etc.

Mark Hollander, 359 E Wiser Lake Road, Lynden

Hollander is the owner and developer of the proposed project and stated that the number of units within the entire 30-acre PRD is extremely low density. 30 years ago that was an appropriate density, however, today infill is acceptable. No one can deny that the City needs more multi-family development. Infill of land and providing multi-family development is a mandate for the City. This is an amazing opportunity to create very special housing in a great location. This is a tight spot and getting an elevator in a building with 50-units is a challenge, however, it can be done. The building has been designed to minimize the impact. We have looked at several options and there is not much more that can be done to manipulate the building.

Hollander stated that this is not over densifying the area, it is a very appropriate use. Would like to see even more density across the street, near Sonlight Church.

Hollander mentioned that the building will be restricted to 55 plus. There will be a secured area at the entrance as well as a common area on the top floor for the residents to share. There will also be a common laundry facility.

Hollander stated that the existing units within the complex include 1, 2 and 3 bedroom units. The unit sizes are larger than most in the area with an average size of 1000 square feet. There are many families in this building and this is an ideal location for seniors.

There was brief conversation about impacts to the existing units. As an owner and developer, Hollander stated that he has to weigh the pros and cons of a few units losing a couple of windows vs. the creation of 50 new units for the community.

Regarding the front setback, it is easy enough to say just move the building back, however, moving the building back will require me to take out units and it becomes very expensive and this type of use is best with an elevator.

Adding the extra units is not dense for this area. It is comfortable living for everyone. In addition, reducing the green space by only 5% from (30%-25%) is remarkable. The proposed request is very efficient in every way.

Scott asked about parking. Hollander stated that we are meeting the parking code.

Speaking in favor

Len VanderVelden, 1225 Front Street, Lynden

VanderVelden appreciates the time that the Commission gives to the community.

VanderVelden stated that he has no interest in the project other than the fact that he thinks it is a good fit for Lynden. The location is great. The building would no doubt be a great place for seniors. VanderVelden is in favor of good planning and hopes that the City looks favorably upon the request.

Speaking in opposition

Robin Walker, 801 Aaron Drive, Lynden

Walker handed out information to the Commissioners. Walker stated that it is very clear that this proposed plan is not in line with the existing PRD. Over the years, the City of Lynden has been diligent to the development and growth of the City. City Planning efforts have been great and the neighborhood surrounding Bender Fields is a great example. To allow this proposal would bring a halt to the careful planning of the PRD.

This proposed development will bring more negatives than positives to the quality of life of the neighborhood. The greatest impact of this project will be felt by the residents. The project will result in the loss of privacy and access to Aaron Drive and Bender Field. The blocking of the south end will create a canyon like courtyard decreasing privacy and sunlight. The residents on the south end will also lose a window and will have an increase in noise from the outer stairwell.

The multi-story project will overshadow and obstruct views while creating a hotel like environment. On-site parking will increase with the loss of shrubbery and landscaping. There will be additional concern for on-site traffic creating a safety concern for children, there will be an increase to the already busy traffic flow on Aaron Drive, there will be an increase in street parking which is a safety concern and the new building will be a detriment to views etc.

If approved as proposed, it will set a very deliberate precedent and change the direction of planning management for the future of Lynden.

Karen Jimison 817 Aaron Drive, Lynden

Question regarding access to the Fire Hydrants. Gudde replied that the new development will meet all fire requirements.

Patrick O'Neill, 12823 South Fairway Ridge Lane, Spokane

O'Neill is the CEO of the Christian Healthcare Center. O'Neill stated that he is neither in favor or opposed to the project.

O'Neill would like to confirm that there are 142 licensed beds in the center. Thank you for clarifying that we have residents not patients.

For clarification, O'Neill asked if the max unit count was 50 or 51. Goodall replied, 50 is the max. Gudde stated that the original application did note 51 units, however, that was in error.

O'Neill stated that he likes the concept and there are a lot of positives to this type of use. O'Neill expressed concerns regarding the evacuation procedure of elderly people located within a 5-story building, parking for guests of the additional 50 apartments as well as concerns for parking lot safety.

The center and the apartments do have a difficult time getting in and out of their parking lots when there are activities at Bender Field. If the project is approved, there will be a need for some sort of relief to help with the safety.

Ron Hendricks, 923 Aaron Drive Unit 110, Lynden

Hendricks lives less than 100 yards from the proposal. A 5-story building does not fit into the neighborhood. A 2-story building would be a better fit. There is a definite need for senior housing, however, this is not the best location for something of its size.

Lynn Hicks, 801 Aaron Drive, Lynden

Hicks has lived in this location for 10 years and her unit is one that will be impacted by the new addition. The area is already so busy, safety is a concern for the children.

Hicks asked how long it will take to build the proposed building. There is not enough parking now, how will it be if the request is approved?

Hicks loves living at the apartments, there is a neighborhood feel and she does not want to see it change.

Pat Young, 801 Aaron Drive, Lynden

Young has lived there for 17 years and has been waiting for a one bedroom to become available. It is home now and if this is approved it won't be anymore.

Hollander addressed the Commission and stated that the south side units will be impacted by losing one of the two windows located in the bedroom.

Hollander is in favor of better security and safety and is willing to do what he can to make it better.

Hollander agreed that there is a lot of activity across the street and yes there can be congestion in the area, however, maybe a pedestrian crossing would help the situation. Parking is a solvable concern and we are willing to do what it takes. As for a safety plan for the residents, it is a must and we will provide that.

Hollander addressed the construction timeline and stated that he would like to begin roughly during the Spring of 2020 and will take about one year to construct.

Hollander addressed the noise and traffic concerns and stated that it could be argued that the proposed building will create a buffer for the people in the courtyard. With regards to privacy, the windows proposed at the back of the building is a hallway and the views and eyes are to the south. There will not be too many privacy issues. Hollander will do his best to address everyone's concerns and will try to solve problems and opposition as best as he can.

Templeton motioned to close the public hearing. Seconded by Scott, and the motion passed 5-0.

D. Veltkamp gave some history as she was on the Planning Commission in 1994. The PRD was designed for multiple buildings to house a number of different uses. The applicants originally wanted 3 story buildings at 45-feet in height with a 45-foot setback. The preference was to have a decent setback and a lower building height all in proportion with the neighborhood. Through all of the amendments, the setbacks and heights were held tight and consistent. If the units were going to ever go back to 45-feet in height, then the setback would need to remain at 45-feet. The reason storage units were required was because there are no garages and the Commission wanted to allow for a place to store any additional equipment to keep the complex neat.

The Commission reviewed the minimum standards outlined in LMC 19.29.060(J) and has found that the request *does not* satisfy the criteria listed below:

1. The modification of minimum standards protects or improves the character of the surrounding neighborhood in terms of architectural scale, view corridors, the aesthetic character or provision of services. The Commission replied, no.
2. The modification of minimum development standards protects critical areas and the environmental quality of the parcel(s) to be developed. The Commission has not been given any information that says the proponents are not.
3. The modification of minimum standards is necessary to permit reasonable development as a result of unique characteristics of the property or the proposed uses. Templeton stated, other than wanting to add 50-units, there are no unique characteristics of the

property? G Veltkamp stated that there is not a unique characteristic here, that would be a creek or critical area, something that you do not have control over.

4. The modification of building height (subject to 19.29.060(2)) or building setbacks where reasonably necessary due to arrangement of buildings and open spaces as they relate to various uses within or adjacent to the planned development; provided that any such modification shall be consistent with subsection (A) herein. The Commission replied, no.
5. The modification of minimum standards is adequately mitigated by reasonably related public improvements proposed in connection with the planned development. The Commission replied, no.

In addition, the Commission reviewed LMC 19.29.110, and found that the request does not meet the design criteria.

G. Veltkamp understands the concept, however, feels that the proposed building is too high and too close to the street. G. Veltkamp hesitates to give much more than a 25-foot setback and feels that 32-feet in height is enough.

Scott appreciates the need however, it feels forced and does not feel like it is adding to the neighborhood, feels more like it is cramming something in.

Kok stated that it is impressive that they can build and additional 50-units with only losing 5% open space. Does agree that the request would serve a huge need. For Kok, the height is not a concern, however, is a bit concerned with how close it is to the street. Requiring storage units is not an issue as that requirement is not a city code. It was unique to the PRD and it seems strange to require it now.

Templeton stated that the application does not meet the requirements of the PRD.

Korthuis stated that this is tough as there is an overwhelming need for something like this in our community. Agrees that the location is a plus. Does not like that it blocks the existing apartment complex and it is very different than what is existing. The flow of the uses make sense, however, may not meet the requirements of a PRD.

If the City needs to infill somewhere, is this the best place? It poses an excellent opportunity in the proposed location, the transition of housing all makes sense, its just difficult.

D. Veltkamp hopes that there is a way to do this without the magnitude. Could it be on a smaller scale, located behind the existing building? Too bad that there is an empty building behind this parcel. D. Veltkamp is concerned with setting a precedent.

Templeton motioned to recommend denial of the RB Development PRD Amendment #19-01, as presented, according to the findings, conditions and recommendations of the Technical Review Committee Report dated September 17, 2019. Seconded by Scott, and the motion passed 5-0.

The Commission agreed that intent is good. Scott indicated that it needs a better flow with the surrounding area. The building looks nice it is just too large.

Kok stated that the height is reasonable, his only concern is how close it is to the front setback.

5. COMMISSIONERS CORNER

Next meeting will be on October 24th and will be looking at a Conditional Use Permit and Development Agreement.

The November 7th or November 21st agenda will include the Flood Hazard Overlay and the Pepin Creek Sub-Area Plan. Staff to confirm November date with the Commission.

6. ADJOURNMENT

Motion to adjourn by Kok / Second by G. Veltkamp. Meeting adjourned at 9:35 pm.



PLANNING DEPARTMENT
Heidi Gudde, Planning Director
(360) 354 - 5532

Planning Department Memorandum

To: Planning Commission
From: Heidi Gudde, Planning Director
Date: October 4, 2019
Re: Proposed PRD Amendment – RB Development

Background: The RB Development Planned Residential Development (PRD) was originally approved in 1994. It encompassed 28.7 acres of property located between Badger Road and Aaron Drive and stretched from Bender Road to Line Road.

The development was planned to accommodate apartments, an assisted care facility (Lynden Manor), town home units, and 4-plex condominiums for a total of up to 437 units. Since its original approval in 1994 the PRD was amended a number of times. Amendments addressed a variety of issues including the inclusion of the Christian Healthcare Center rather than apartments, street construction, setback revisions, and height limit revisions.

Amendment Application: The pending amendment to the RB Development PRD seeks to establish a new perimeter (front) setback for the Parkview Apartments parcel, revise an existing storage requirement, and reestablish a previously approved height limitation of 45 feet.



PLANNING DEPARTMENT

Heidi Gudde, Planning Director
(360) 354 - 5532



These amendments are needed to facilitate the applicant's proposal of a 5-story building geared specifically to senior living. The apartments are planned to be studio and one-bedroom units. The proposed building has a central elevator and shared amenities. The existing apartments on the site will be maintained as well as the shared green space at the center of the project. The applicant proposes that the project could provide support housing for residents of the next-door Christian Health Care Center. On a larger scale, the applicant asserts that senior housing of this scale is needed in the Lynden area.

Staff has concluded that the intent of the proposed amendment of the RB Development PRD may be consistent with the original RB Development PRD in that:

- It does not exceed the original approved number of units.
- It provides housing which compliments the adjacent skilled health care facility.
- Amenities are available nearby in that the proposed housing can benefit from the commercial services of Bender Plaza, recreational space at Bender Park, and the WTA bus line along Aaron Drive.

Staff has concerns related to the impacts of the project. Mitigating factors related to these impacts should be considered:

- The number of new units proposed at this location is likely to have off-street impacts to parking on Aaron Drive, parking lots intended for Bender Park users, and the parking lots of adjacent properties.
- The proposed building's physical relation to the streetscape. Specifically, having a 45-foot-tall structure within 15 feet of the property line. And,
- The proposed building's impacts to the existing site. This includes temporary and permanent impacts to the existing residents and the site. Including, but not limited to parking availability, garbage service, traffic interior to the site, and the literal shadow cast on the site and its recreational area.

In an October 10th public hearing the Planning Commission will be asked to consider and make a recommendation on the amendment to the PRD.

The applicable criteria for PRD's seeking site specific standards can be found in LMC 19.29.060(J) and LMC 19.29.110. **The entirety of these sections have been attached for your reference. Areas specific to the requested amendment have been highlighted.**

City of Lynden Municipal Code

Chapter 19.29 – Planned Residential Development Overlay

19.29.010 - Purpose.

The primary purpose of a planned residential development (PRD) or master planned residential development (MPRD) is to promote creativity in site layout and design, allowing flexibility in the application of the standard zoning requirements and development standards. More specifically, it is the purpose of this chapter to:

- A. Permit developers to use innovative methods including low impact development (LID) techniques and approaches not available under conventional zoning methods to facilitate the construction of a variety of housing types and densities serving the housing needs of the Lynden community and meeting the goals and policies of the comprehensive plan;
- B. Provide for the economic provision of public facilities and services by allowing choices in the layout of streets, utility networks and other public improvements through superior site design and the use of clustering;
- C. Allow development of land with physical constraints while preserving the natural characteristics of the site, including topography, native vegetation, critical areas and other natural amenities of value to the community;
- D. Encourage infill within areas of the city which are characterized by existing development;
- E. Create and/or preserve open space for recreation and the aesthetic enjoyment of residents; and
- F. Provide for the management and control of stormwater under current state and local regulations.

19.29.060 - Minimum development standards for PRD or MPRD.

While development under a PRD or MPRD provides measures for flexibility and creativity in the development of new home sites, there are certain minimum standards that must be met to protect Lynden's character, aesthetic values and health and safety. Additional conditions or requirements more stringent than these minimum standards may be imposed as a condition of approval. The following are minimum standards applicable to all PRD and MPRD proposals; provided that, said minimum standards may be reduced for an MPRD subject to subsection J herein:

- A. Density: The density shall be the same as the density for the underlying zone; except where the application qualifies for a density bonus under Section 19.29.070. The area included in a floodplain or floodway identified by FEMA shall not be included in the gross land area for the calculation of density. The base density for projects that include land in two or more zoning designations shall be calculated for the land area in each zone and added together for the total number of units.
- B. Height: Maximum height of structures when the underlying zoning is a single family or mixed density zone is thirty-five feet. The maximum height of structures when the underlying zone is a multi-family zone is forty-five feet. Building height may be extended above these limits under a master planned residential development when approved in the master plan. Considerations for approval of extension of the height limit include the size of the parcel, the character of the surrounding parcel(s) and neighborhood, protection of view corridors and the existence of adequate infrastructure to supply necessary services.
- C. Parking requirements: Two parking stalls are required for each residential unit. Each twelve feet x twenty-five feet space, whether inside or outside the garage shall count as a parking stall.

These are the minimum requirements and additional parking may be required as a condition of approval.

- D. Building setbacks: All PRD's and MPRD's are subject to the following minimum setbacks:
1. 15-feet between the front of the house and the front property line;
 2. 25-feet between garage doors and the front property line;
 3. A setback of twenty-five feet around the perimeter of the development;
 4. There is no minimum building separation, except as provided by the International Building and Fire Codes, but such separation may be required as a condition of approval.
 5. Other setbacks may be required as a condition of approval.
- For purposes of this section, where the "front property line" borders on a public right-of-way, said "front property line" shall be the edge of the public right-of-way.
- E. Street widths: Arterial or collector streets or streets shown within the transportation plan must be constructed to full city standards. Within a PRD or MPRD, a reduced street section for a residential access street that is not included in the transportation plan may be permitted as follows:
1. Thirty feet from face of curb to face of curb, allowing two driving lanes and room for on-street parking.
 2. A minimum five-foot sidewalk fronting all residences with a four-foot buffer or planting strip between the curb and sidewalk.
 3. Rolled curbs are not allowed.
- F. Pedestrian Connectivity: In addition to sidewalks fronting residential lots, there must be logical pedestrian connections throughout the project including trails within or adjacent to open space areas.
- G. Maximum lot coverage: There is no maximum lot coverage established by this overlay zone; provided that, a maximum lot coverage limitation may be imposed as a condition of approval based on consideration of the size of the parcel, the character of the surrounding parcel(s) and neighborhood, protection of view corridors and the existence of adequate infrastructure to supply necessary services.
- H. Unit Distribution: When a PRD or MPRD is used in a single family zone for development of single family residences, at least twenty-five percent of the dwelling units must be detached single family units.
- I. Minimum lot size: For detached single family residences within a PRD or MPRD, the minimum lot size shall be no less than five thousand square feet; provided that, smaller lots or detached condominiums may be approved under a MPRD subject to consideration of the factors identified in subsection J herein.
- J. **Where the applicant seeks to depart from the above minimum standards in the MPRD process, the planning commission and council shall consider the following factors and the council may in its sole discretion approve departure from one or more of said minimum standards upon finding that the MPRD proposal clearly satisfies one or more of these factors:**
1. The modification of minimum standards protects or improves the character of the surrounding neighborhood in terms of architectural scale, view corridors, the aesthetic character or provision of services;
 2. The modification of minimum development standards protects critical areas and the environmental quality of the parcel(s) to be developed;

3. The modification of minimum standards is necessary to permit reasonable development as a result of unique characteristics of the property or the proposed uses;
4. The modification of building height (subject to Section 19.29.060(2)) or building setbacks where reasonably necessary due to arrangement of buildings and open spaces as they relate to various uses within or adjacent to the planned development; provided that any such modification shall be consistent with subsection A herein;
5. The modification of minimum standards is adequately mitigated by reasonably related public improvements proposed in connection with the planned development.

19.29.110 - Criteria for approval.

In addition to the findings of fact required for approval within Section 17.09.040, the following criteria shall be met for approval of a PRD or MPRD.

- A. **Design Criteria:** The design of the PRD or MPRD shall achieve two or more of the following results:
 1. High quality architectural design, placement, relationship or orientation of the structures;
 2. Achieving the allowable density for the subject property;
 3. Providing housing types that effectively serve the affordable housing needs of the community;
 4. Improving circulation patterns;
 5. Minimizing the use of impervious surfacing materials;
 6. Increasing open space or recreational facilities on-site;
 7. Preserving, enhancing or rehabilitating the natural features of the property such as significant woodlands, or critical areas;
- B. **Perimeter Design.** The perimeter of a PRD or MPRD shall be appropriate in design, character and appearance with the existing or intended character of the development adjacent to the subject property and with the physical characteristics of the property.
- C. **Streets and Sidewalks.** Existing and proposed streets and sidewalks within a PRD or MPRD shall be suitable to carry the anticipated traffic within the proposed development and the vicinity. The design of the circulation system shall be consistent with the requirements of Chapter 18.14 LMC.



TECHNICAL REVIEW COMMITTEE
Development Project Report

Date Issued:	September 17, 2019
Project Name:	PRD Amendment #19-01, RB Development / Heritage Park
Applicant:	Pacific Surveying and Engineering, Inc.
Property Owner:	Aaron Drive Properties
Site Address:	801 Aaron Drive, Lynden
Parcel Number:	400316-049520
Zoning Designation:	PRD
Application Type:	Planned Residential Development - Amendment
Parcel Size:	2.82 Acres
Hearing Type:	Quasi - Judicial
Hearing Objective:	The objective of this public hearing is to determine whether the proposed subdivision meets the requirements found within the development contract and the required findings listed within Section 17.09.040 and 19.29 of the Lynden Municipal Code.
Date application determined complete:	July 31, 2019
Date of Publication:	August 14, 2019
SEPA Determination:	N/A
Project Description:	The applicant is requesting to amend the RB Development / Heritage Park PRD to allow a building expansion that includes an age-restricted senior housing facility including 50 additional units in a 5-story apartment building. The proposed building is approximately 23,375 square feet excluding the exposed stair, elevator shaft and roof top deck.

Background

The RB Development PRD was originally approved in 1994. It encompassed 29.1 acres of property located between Badger Road and Aaron Drive and stretched from Bender Road to Line Road.

The development was planned to accommodate apartments, an assisted care facility (Lynden Manor), town home units, and 4-plex condominiums for a total of up to 437 units. Since its original approval in 1994 the PRD was amended a number of times. Amendments addressed a variety of issues including the inclusion of the Christian

Healthcare Center rather than apartments, fencing, street construction, setback revisions, height limit revisions, and changes to the Conditions Covenants and Restrictions (CC&R's).

Application Summary

The pending amendment to the RB Development PRD seeks to establish a new front setback for the Parkview Apartments parcel, revise an existing storage requirement, and reestablish a previously approved height limitation of 45 feet.

Staff has determined that the application is technically complete but additional information is requested below so that the amendment requests and corresponding justifications are more clearly defined. In accordance with Chapter 17.15 LMC, the proposed action was reviewed for concurrency and should the conditions listed within this report be met, a finding of concurrency will be made in accordance with Section 17.15.060(C)(3).

Additionally, the application was reviewed against the applicable chapters of the LMC and the Engineering Design and Development Standards and generated the requested revisions and advisory comments found in the report.

Staff acknowledges that the RD Development PRD Amendment has addressed the following requirements according to the Lynden Municipal Code:

1. *Intent:* Planned Residential Development's (PRD's) provide opportunities to develop land with physical constraints while preserving the natural characteristics of the site and encourage infill within areas of the City which are characterized by existing development. The intent of the proposed amendment of the RB Development PRD appears consistent with the original RB Development PRD in that it does not exceed the original approved number of units and provides a service which appears consistent with adjacent uses. However, staff has concerns related to the points listed below. These are discussed in more detail later in the report.
 - a. The scale of the project. The number of new units proposed at this location is likely to have impacts to on-street parking and parking lots intended for Bender Park users.

There is a need for a senior housing facility within the RB Development PRD. Whatcom County currently has less than 1% apartment vacancy and nearly 0% for single bedroom apartments. This indicates a housing shortage. The intent of this project is work to solve this housing shortage by providing a senior housing facility adjacent to the Lynden Health Care Center and Lynden Manor. One benefit of this project is to provide a

housing solution for spouses of the patients of Christian Health Care Center. Other one-bedroom apartments options in Lynden are limited, often with long wait lists, and this location is far more desirable. Spouses could simply walk out of their door and share meals or visit instead of having to commute from across town, Bellingham, or elsewhere.

An elevator is a necessity for a senior housing facility. Our studies show that seniors don't prefer stairs, and, in some cases, even two steps are too many. An elevator capable of transporting an EMT and gurney is important to provide the highest level of safety for tenants. To economically viable, an elevator must service at least 50 units.

- b. The proposed building's physical relation to the streetscape. Specifically, having a 45 foot tall structure within 15 feet of the property line.

To accommodate the 50 units, required by the elevator to be feasible, the structure must be 45 feet tall and situated 15 from the property line. The unit sizes are 1 bedroom and studios between 325-420 sf, which is smaller than average. It is not feasible to decrease the size of these units. The geometry associated with fitting these units between the existing buildings with an access stairway places the front of the existing building requires the 15' from the property line.

- c. The proposed building's impacts to the existing site. This includes impacts to the existing residents and the site. Including, but not limited to parking availability, garbage service, traffic interior to the site, and the literal shadow cast on the site and its recreational area.

The impacts to the existing site will be mitigated. Existing residences will not be displaced, except for what is required for temporary construction. Garbage services will not be interrupted. The existing garbage services will be upgraded to trash compactors to reduce the footprint of the garbage enclosures. The parking standard for the site will meet current City of Lynden Code for multifamily and retirement housing. The recreation areas for the site will be improved. This will include a community garden for tenants, or possibly a fenced dog park area.

2. Housing Types: The market study provided by the applicant states that occupancy in the existing Parkview Complex has been 100% for the last 5 years. And, that countywide the vacancy rate is less than 1% for standard housing, low-income subsidized housing, and for age-restricted senior housing. These numbers appeared to hold true of the 200 one bedroom and studio units studied within Lynden.

3. Onsite Parking Requirements: The applicant has indicated that they will meet parking standards as outlined per code. Chapter 19.51 of the LMC requires that 2 stalls per unit be provided for the first 25 units, 1.5 stalls for units over 25, and 1 stall for each of the age restricted units. The total stall count is 130. Be advised, minimum standard parking stalls dimensions are 9' wide by 21' deep and compact spaces are 8.5' wide by 18' deep. Two feet of the length (vehicle overhang) may extend into landscape or sidewalk areas but at no time may sidewalk width be compromised to less than 5 feet clear. Wheel stops may be required to prevent sidewalk encroachment.

The proposed development will not deviate from Chapter 19.51 of the LMC in any way.

4. Site Specific Amendments - Storage Requirement: The original Development Agreement for the RB Development PRD required that 32 square feet of storage space be provided for each apartment unit. This is not a requirement of the LMC. The applicant is requesting that the storage space requirement not be placed on the proposed units. Code typically does not place specific outside storage requirements on proposed development.

Specific Project Comments from the Technical Review Committee:

Planning and Development

5. Parkview Ownership: Please provide information related to the composition of Aaron Drive Properties LLC and the signing authority of the applicant for that LLC.

This information will be provided by the owner.

6. Application Materials: Please provide a digital copy of the original application package with accurate page numbers. Currently all of the pages of the application are labeled as "Page 2".

This error has been corrected.

7. Response Required: Staff will provide the applicant with a digital copy of this report. Please provide responses to each of the staff comments. Note that the applicant's response may generate additional requests for information.
8. PRD Document: As discussed at a recent meeting with the agents for the applicant, staff recommends the applicant provide a complete revised PRD document which maintains relevant sections of the original document and adds

sections relevant to how the PRD was actually constructed as well as the proposed development standards specific to the Parkview Apartments.

We have submitted a draft of the requested document for your review.

9. CC & R's: Per LMC 19.29.130 the PRD shall have a homeowners association and enforceable covenant to fund and effectively collect fund for such and organization. Associated agreements and covenants shall apply to all the property with the PRD, shall be recorded and shall run with land. Note that covenants for the PRD may impose more restrictive conditions on the property but not less restrictive than City of Lynden development code. Be advised, enforcement of neighborhood covenant documents is the responsibility of the developer and/or neighborhood association.

Prior to final approval of the proposed PRD amendment, covenants, conditions, and restrictions (CC&R's) – both the existing document and any proposed amendment to the document – must be provided. Per LMC 19.29, amendments to the PRD's CC&R's require City Council review.

Initial staff review of the CC&R's indicate that at a minimum Sections 2.3, 2.4, 10.4, 12.12 and the signatures page will need to be updated. Alternatively, the applicant may choose to explore the option of providing copies of each division's CC&R's as applicable.

Be advised, the process by which the CC&R's will be updated and the stakeholders for the PRD's revised CC&R's should be carefully considered as this may require a significant effort on the applicant's part.

It appears that the CCR's will need to be updated. A draft is being prepared for review and approval by the stakeholders.

10. Development Maps / Exhibits: Staff understands that the amendments to the RB Development PRD are proposed to affect only tax parcel 400317-446116. The original PRD included this parcel, or a version of this parcel, as B1 - one of four parts of "Area B". Area B was originally intended to be developed as apartments however, various amendments to the PRD resulted in a revised build-out of these areas.

Please provide updated development maps / exhibits which document the original development plan and predicted unit counts for Areas A-F of the PRD. Additionally, also illustrate how the PRD was actually built out to date. Include revised lot lines, lot areas, housing types or property uses, and unit counts (or bed count for the skilled nursing facility).

We have submitted a draft of the requested document for your review.

11. Site Specific Standards Criteria – Perimeter Setback: The City’s municipal code provides minimum standards for Planned Residential Developments. However, Planning Commission recommendation and City Council approval can be sought in areas where the applicant seeks to depart from the minimum standards (LMC 19.29.060(10)).

The proposed PRD amendment seeks an alternate standard to the required perimeter setback of 25 feet. On the Parkview Apartments application this perimeter setback has been identified as the ‘front setback’ (the south property line). The application proposes the perimeter setback be reduced to 15 feet rather than 25 feet as required by code. Please provide a written response to each of these criteria and/or reference relevant sections of the application to support the request.

- a. The modification of minimum standards protects or improves the character of the surrounding neighborhood in terms of architectural scale, view corridors, the aesthetic character or provision of services;

The architectural scale and high aesthetics of the proposed building will improve the character of the surrounding neighborhood. Most of the existing commercial buildings in the PRD are above average aesthetic appeal, but that is not the case of the existing Parkview Apartments. The existing façade is lacking in appeal with vinyl siding and gable façade and fenestration. The proposed building will be vastly superior in aesthetics with high end brick, high end glazing and fenestration. Landscaping and lighting, though with a smaller footprint, will also be higher quality and much more visually inviting daytime and nighttime.

The design of the proposed building facade is intended to undulate and minimize the closeness of the building to the street. Less than half of the building is 15’ setback from Aaron Dr., with the remainder varying from 20’ to 30’. This is intentional to provide depth to the building and curbside appeal. Other nearby buildings in Bender Plaza do not undulate at all at with a straight 25’ setback.

- b. The modification of minimum development standards protects critical areas and the environmental quality of the parcel(s) to be developed;

This expansion is proposed as an infill development to increase density within the existing RB Development and Heritage Park Planned Residential Development. These infill projects result in reduction in environmental impacts from development in currently undeveloped parcels, such as nearby farmland, and which often includes impacts

wetland, shorelines, etc. This project disturbs no critical areas, has no shorelines impacts, does not displace farmland and is an environmentally responsible project in this way. The building cannot be built in this location without reducing the setback. If this building was built in an undeveloped nearby parcel, it would come with much greater environmental impacts.

- c. The modification of minimum standards is necessary to permit reasonable development as a result of unique characteristics of the property or the proposed uses;

Existing senior housing demand is high and will continue to grow in this community. Additional senior housing is needed, especially in this immediate neighborhood. Many seniors who are on fixed incomes need affordability and are drawn to downsizing and seek efficient spaces. The senior housing is particularly valuable in this neighborhood with the nearby Christian Health Care Center and Lynden Manor facilities.

Two of the most desirable features of senior housing are elevator access and modern fire sprinkler system. To justify the cost of an elevator, a minimum of 50 units needs to be included in the building. The units are as small as the developer will consider. These units have many efficient features such as centralized hot water, common laundry room and efficient kitchens and bathrooms.

To meet the needs of a growing senior housing demand in this neighborhood, this project will require the modifications to the setbacks, and building height to be constructed. Parkview West Apartments consistently have a waiting list for seniors requiring a no-step rise to their units. This project will be an important asset to the surrounding neighborhood and answers a lacking or undersupply in no-step serviced senior housing.

- d. The modification of building height (subject to Section 19.29.060(2)) or building setbacks where reasonably necessary due to arrangement of buildings and open spaces as they relate to various uses within or adjacent to the planned development; provided that any such modification shall be consistent with subsection (a) herein;

The original plan for this RB Development and this property started with a lower density. However, the city and neighborhood has changed in 20 years. Pushing more efficient and higher density "taller" housing is appropriate urban planning especially when close to other developed complimentary private and public investment. This project makes the public infrastructure more efficient and more accessible, including Bender Fields across the street.

This project adds more tax base to help roads and schools while adding minimal additional infrastructure. The added housing supply compliments the neighboring uses making their businesses better.

- e. The modification of minimum standards is adequately mitigated by reasonably related public improvements proposed in connection with the planned development.

This project will a great benefit to the community by filling a need for senior housing adjacent to existing assisted living facilities. Additional senior housing is needed, especially in this immediate neighborhood.

12. Building Height: Per LMC 19.29.060(2) the maximum height of structures within a PRD, where the underlying zoning is multi-family, is 45 feet. The original 1994 RB Development PRD development agreement reflected this height limitation of 45 feet. However, a subsequent amendment, which reduced internal setbacks, was approved with the condition that apartment building heights be kept to 2 stories. The pending proposal, that the height limitation of 45 feet be reestablished, generates concerns when considered in the context of the existing site. Please respond in writing to concerns and questions related to the proposed height amendment, specifically:

- The height of the project and its physical relation to the streetscape create a relatively imposing structure so close to Aaron Drive and especially the pedestrians using these public sidewalks. How will this be mitigated?

The landscape along Aaron Drive will use a mix of small canopy trees and narrow columnar evergreens to provide a more human scale to both pedestrians and motorists. The trees, mixed with medium height shrubs and low ground covers will provide an aesthetically pleasing, year-round landscape buffer for the proposed building addition.

- Discuss how the existing apartment buildings will relate to the proposed structure. For example, what is the architecture of the north elevation? Will the existing apartment units have access to the new structure? Will tenants be displaced temporarily or permanently due to the proposed addition?

The street exposed portions of the existing buildings will be modified with higher quality materials that complement the new building. An elevation view of the north side has been provided to demonstrate the high level of aesthetics contemplated.

The current plan is to build some common heated space for the existing units. This space would have exterior stairs allow ADA access to some

existing units from the proposed elevator. The bathroom on the main floor would be shared by all tenants. More efficient and convenient features will be built for garbage, recycling, bike storage and general storage for the site.

The room count of the existing complex stays the same, so no tenants will be permanently displaced because of the new construction. The windows facing South on the existing building adjacent the new building will be eliminated but these are all one of the two bedroom windows in these units. Tenants will be slightly impacted with short term construction. More parking in the complex will be created and there will be a higher need for management to "police" parking use.

- Indicate how the property owner will manage parking to ensure that vehicles related to Parkview will not negatively impact surrounding properties. Staff has concerns that overflow residential parking could negatively impact the parking lot of Bender Park, on street parking opportunities, and other off-site parking lots.

We are not asking for a parking variance as our parking plan meets City of Lynden code parking requirements. A strict parking enforcement policy will be enacted and included on future leases. We have not "policed" our parking in the past and some tenants have too many vehicles. This will change and only one car will be allowed per unit for the new building.

13. Loading Area: Staff cannot support the proximity of the building to the street and its associated parking unless accommodations are made for loading and drop-off. If the PRD amendment is approved, a pull-off for a designated loading area at the entrance to the building to be used by delivery vehicles, resident drop-off / pick-up, and emergency response vehicles will be required as part of the building design. Coordination with the Public Works Department for the design and layout will be required. Public sidewalks may be altered but an access, a minimum of 5 feet wide and fully ADA accessible, must be maintained along Aaron Drive. This may require a public access easement on the Parkview Apartments parcel.

A designated loading and drop-off zone are now shown on the plans. ADA access will be provided for pedestrians and tenants. We will work with the Public Works Department to determine the best design if modifications need to be made.

14. Amenities and Open Space: Open space standards have been discussed generally in the application. Please provide information regarding potential

improvements and amenities to the existing green space which will serve the senior tenants of the proposed building.

The recreation areas for the site will be improved. This may include a community garden for tenants, or possibly a fenced dog park area. Rooftop vegetation will be provided for the proposed building addition including raised planters. Additional carports may also be provided to provide

15. Lot Coverage: The PRD was initially approved with an open space requirement (pervious areas) of 40% or greater. This was not to include the parcel dedicated to the City of Lynden. A subsequent amendment appears to reduce the required open space requirement to 30% while decreasing the maximum building height to 2 stories. Provide the revised lot coverage (impervious area) of the Parkview parcel which include the proposed building and parking lot additions.

The open space calculation for the entire PRD has been updated in the Project Narrative. The 40% open space requirement for the entire PRD has been met, which does not include the parcel dedicated to the City of Lynden.

However, the open space requirement for the Parkview West Apartments parcel is proposed to be reduced from 30% to 25%. The additional parking space area required for the proposed unit count will necessitate this reduction. The PRD narrative has been revised and reissued to include an exhibit with the requested lot coverage number as requested.

The existing open space on the parcel will be improved to justify this reduction in open space requirements. This will include a community garden for tenants, or possibly a fenced dog park area. Additionally, the project is located next to nearly 40 acres of open space directly across Aaron Drive in Bender Fields. A community garden is across the street as well. The tenants in the Parkview West parcel will be in proximity to a far greater area of open space than many other locations in Lynden.

16. PRD Area Break-down: Whatcom County and the City of Lynden have been mandated to participate in an annual report provided to the State which tracks achieved housing density. In an effort to track accurate data for this program all PRD's will be required to provide supporting data. Please provide on the face of the development maps a table which breaks down the total area of the PRD into the categories shown below. Note that in some instances the area may be zero and that "other infrastructure" could refer to area used for sewer pump station, stormwater ponds, etc.

	PRD Area (in square feet)
Gross PRD area	
Reserve tracts (open space dedications)	
Critical areas including buffers	
Public Right of ways (ROWs)	
Other infrastructure	
Net developable	
Percent ROW and Infrastructure	%

– This table is included in the revised PRD Map.

Public Works

- 17. Public Improvements: All public improvements must be constructed to the current standards as noted in the City of Lynden Manual for Engineering Design and Development Standards or an equivalent approved through the Planned Residential Development process. A plan review deposit of \$2000 or 2% of civil construction costs is required prior to any civil plan review. Any work within public right of way or involving exiting public facilities shall have a bond in place at 150% of construction costs. A maintenance bond of 10% of the certified construction costs is required for all public facilities.
- 18. Transportation Study: The traffic study provided with the application speaks to the number of added trips but does not discuss level of service (LOS). Address the effects of this proposal on the LOS on Aaron Drive and the intersection of Aaron and Bender Road. No accesses to East Badger Road (SR-546) are allowed.
- 19. Stormwater
 - a. A stormwater management plan prepared by a professional engineer will be required for this development and must be approved by the City of Lynden prior to approval of construction plans. An erosion control plan

must be included in the drainage plan and construction plans as necessary.

- b. All plans must be designed and constructed in compliance with the Department of Ecology's Best Management Practices and the standards approved in the Manual for Engineering Design and Development Standards.
- c. Stormwater from public streets may be infiltrated within the dedicated right-of-way, or within a separate dedicated tract, but may not be within the street prism. Infiltration areas and street trees should have adequate separation to insure the proper functioning of the drainage system and survival of the tree.
- d. A Construction National Pollutant Discharge Elimination System (NPDES) permit may be needed.
- e. All private storm systems shall be inspected yearly per approved Operation and Maintenance plans. Inspection shall be submitted to the City for review and acceptance.
- f. The storm drainage report will need to include all existing and proposed properties that utilize common drainage facilities.
- g. Site indicated to be within ¼ mile of Fishtrap Creek and will require additional stormwater requirements.

20. Water

- a. As per 6.2 (M) of the City of Lynden Project Manual for Engineering Design and Development Standards.
- b. A 20-foot utility easement is required for all public utilities.
- c. Water meters and fire lines shall have appropriate backflow prevention installed that meets the Department of Health and City of Lynden standards.
- d. A booster pump station may be needed depending on fire system requirements.
- e. Fire hydrants are to be placed a maximum of 300 feet apart (clear distance).

- f. The proposed building will impact existing hydrant placement(s).
- g. The proposed project will impact water service to existing building.

21. Sanitary Sewer

- a. Sanitary sewer and water system design and construction must meet the requirements of the City of Lynden Engineering Design and Development Standards.
- b. Existing sewer pump station and force-main that the site discharges to may not adversely impact the existing system. This must be reviewed and confirmed.
- c. The proposed sewer connection shall be tied into existing manhole.
- d. The proposed trash compactor shall be covered. Drainage from the covered compactor area shall discharge to sewer after first going through an approved oil-water separator.

Fire and Life Safety

1. Impact Fees: Fire impact fees will be due at the time of building permit. The current fee is \$389 per unit.
2. Access: Revise site layout to provide a designated loading (“no parking”) area at the entrance to the building to be used by emergency response vehicles. Coordinate with the Public Works Department for the design and applicable standards.
3. Elevator Requirements: Be advised, per the International Building Code the elevator car shall be of such a size and arrangement to accommodate an ambulance stretcher of 24 inches by 84 inches with not less than 5-inch radius corners, in the horizontal, open position as well as the accompanying EMTs. Generally, this means an elevator that is 4 feet deep by 8 feet wide.
4. Fire Load: Be advised, the installation of an FDC within 50 feet of a hydrant is required. Total fire load will be assessed at the during the permit review process. Applicant must ensure coverage throughout the site. These requirements may result in the installation of an additional hydrant. Early analysis of the fire load is recommended.
5. Fire Suppression: Be advised, a fire suppression system will be required throughout the proposed building.

14. Landscape Bonding: Be advised, performance and maintenance bonding will be required for the plat. This relates to street trees and any required mitigation planting. Bonds are due prior to final plat approval. Performance bond shall be at 100% of installation costs and be in place through establishment period approval. Upon acceptance of establishment the maintenance bond shall be in place for 2 years at 10% of costs.
15. Surveying: All surveying work and engineering design must be based on the City of Lynden survey control monuments. AutoCAD files for all improvements must be provided to the City in digital format approved by the City. A copy of the City's control monuments is available to the project consultant for their use.
16. Document Recording: Petitioner shall record the final amended PRD Development Agreement with Whatcom County following City Council approval and provide a copy, with the auditor's file number, to Planning Staff.
17. Street Trees: Be advised, per Sec. 18.14.120, the developer will be required to provide street trees within the dedicated public utility easement adjacent to the street. Without blocking view triangles, there shall be a maximum spacing of fifty feet between trees. Maintenance of street trees shall be the responsibility of the adjoining property owner.
18. Property Addressing: Be advised, all street addressing must follow the requirements of the Lynden Municipal Code.



City of Lynden

PRD Contract Amendment Application

Applicant Information

Name: Aaron Drive Properties

Address: 119 N Commercial Street, Suite 165

Telephone Number: (360) 647-1916 Fax Number: _____

E-mail Address: mark@hollanderhospitality.com

Section(s) to Amend: (Please include land use maps)

Section 14 of PRD #94-1.

State the changes you are proposing: (Attach additional sheets as necessary)

See attached Project Narrative.

Please state the reason(s) why the above sections of the development contract should be amended. Please note the potential benefits and the potential negative impacts caused by the amendment: (Please provide a reproducible attachment)

See attached Project Narrative.

By signing this application, I certify that all the information submitted is true and correct. I also understand that no final approval will be issued until all final review costs are paid in full.

Applicant's Signature: [Signature] Date: 7/3/19

Property Owner's Signature: [Signature] Date: 7/3/19

Pre-application meeting date: 5/2/19

(Applications will not be accepted without a pre-application meeting)

Fee's (\$225.00 + Final Review Cost) date paid: 6/28/19 receipt # _____



Pacific Surveying & Engineering, Inc

land surveying • civil engineering • consulting • planning • gis

909 Squaticum Way, #111, Bellingham, WA 98225
Phone 360.671.7387 Facsimile 360.671.4685 Email pse@psurvey.com

September 30, 2019

City of Lynden Public Works Department
300 4th St
Lynden, WA 98264

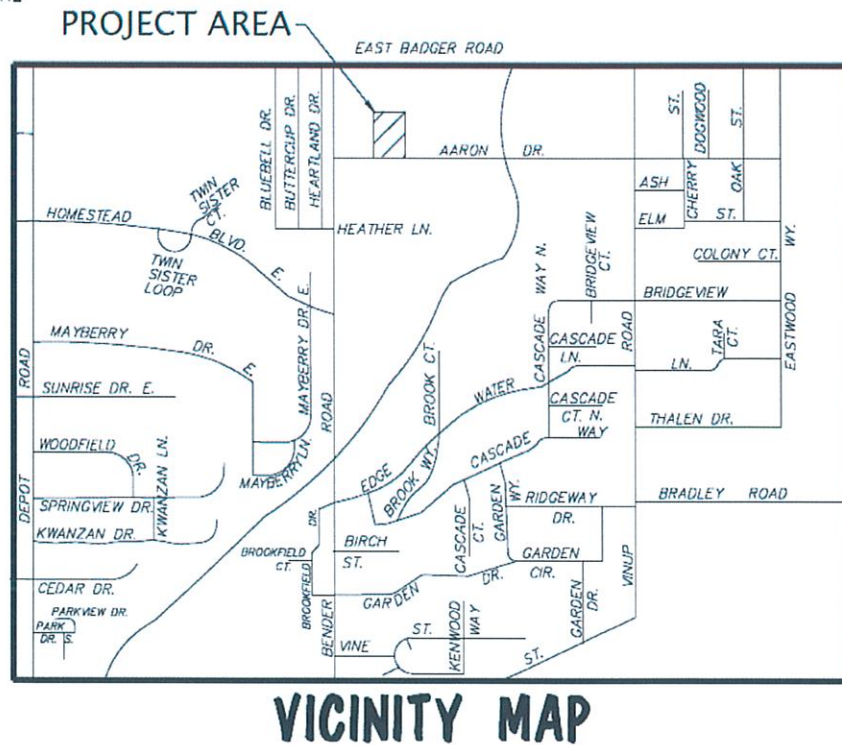
Re: **Project Narrative**
Parkview West Senior Housing Expansion

As a requirement of the Planned Residential Development (PRD) Amendment to the existing RB Development and Heritage Park PRD, a Project Narrative has been prepared by Pacific Surveying and Engineering.

Project Description

Location

The project is located at 801 Aaron Drive in Lynden, WA. A site plan has been attached. See vicinity map below.



Existing Conditions

The project site has been predominantly developed. Two existing multifamily apartment buildings, with 45 total units, have been constructed on the site. The site also contains carports, storage lockers, utilities and parking to serve the development. A green space between the building is also included with amenities for tenants.



Existing Site Conditions

Type and Size of Development

The proposed building expansion will be an age-restricted senior housing facility including 50 additional units in a 5-story apartment building. The proposed building is approximately 23,375 square feet excluding the exposed stair, elevator shaft and roof top deck. This expansion is proposed as an infill development to increase density within the existing RB Development and Heritage Park Planned Residential Development. These infill projects result in reduction in environmental impacts from development in currently undeveloped parcels, such as nearby farmland.

Phase, Timing and Horizontal Year

The construction of the proposed building is to begin February 2, 2020 and will take approximately one year to complete construction.

Proposed Development Restrictions

The Development Contract for the RB Development and Heritage Park was approved by Lynden City Council in 1994. The applicant proposes to keep the existing development restrictions set forth in the Development Contract (File Number 941227078) with minor exceptions.

Building and Land Use Modifications

Development over the years has differed slightly from the phased development approach outlined in the Development Contract. Parkview West Apartments were constructed as the area designated for the "RB Development Apts" described in the development contract. These apartments were constructed with a different site plan and size of development, but with the same building setbacks and parking requirements.

The proposed project is an age-restricted senior housing facility that will be developed in Area B of the parcel. This proposal will fit the existing function of the RB Development, which includes several Assisted Care Facilities including the Christian Health Care Center and Lynden Manor. One service this age-restricted senior housing facility can provide is housing for spouses of the nearby tenants of the Assisted Care Facilities.

The setbacks and parking requirements allowed in the Revised Development Contract for the “RB Development Apts”, located in Section 14.a, are as follows:

HOUSING TYPE	FRONT	SIDE	REAR	HEIGHT	PARKING
Parkview West Apartments	30 ft	10 ft	25 ft	2 stories 30 units maximum per building	2/unit ≤ 25 units 1.5/unit > 25 units

The applicant proposes to keep the 45' side, and rear. However, the applicant proposes to reduce the front setback, height limits and addend the parking requirements as shown in this table:

	FRONT	SIDE	REAR	HEIGHT	PARKING
RB Development Apts	<u>15 ft</u>	10 ft	25 ft	<u>45 ft</u>	Existing Multifamily: 2/unit ≤ 25 units 1.5/unit > 25 units <u>Proposed Retirement Housing:</u> <u>1 per unit</u>

The applicant proposes to remove the 30-unit limit maximum per building, as the proposed building contains 50 units. The existing open space requirement of 30% will be reduced to 25% to allow for the additional parking area needed to facilitate the parking requirements.

Front Yard Setback

The front yard setback of 30' included in the existing RB Development PRD for the RB Development Apartments is proposed to be reduced to 15'. This setback reduction is justified as is necessary to provide the density originally proposed for this development in the PRD and will include a more attractive curbside architectural design.

The landscape along Aaron Drive will use a mix of small canopy trees and narrow columnar evergreens to provide a more human scale to both pedestrians and motorists. The trees, mixed with medium height shrubs and low ground covers will provide an aesthetically pleasing, year-round landscape buffer for the proposed building addition.

The original PRD contemplated 437 total units to be developed in the PRD limits. As of this time, only approximately 258 units have been constructed. Including the 50 additional units proposed on the site, the total unit count would be 308. The majority of the existing PRD area is built-out to the land use capacity. To meet the proposed density in the original design contract, the front yard setback must be reduced to allow sufficient space for additional development to meet this proposed density.

The patients of the Christian Health Care Center Skilled Nursing Facility were excluded from the total unit analysis. The Christian Health Care center provides skilled nursing care for memory and dementia patients, inpatient therapy care, and long-term care and rehabilitation.

From a planning perspective, the impact of one bed or patient in the Christian Health Care Skilled Nursing Facility to the remainder of the PRD is much different than from other units in the PRD. Most units in the remainder of the PRD house families or multiple people, compared to a single bed identified in the above table for these facilities. The parking requirements for the assisted care facilities are at least six times less than other units in the PRD because these patients keep fewer vehicles on the site. Because of these differences, the bed count from the Christian Health Care Skilled Nursing Facility was not included in the total PRD unit count and discussed here.

Height Limitation and Building Unit Count

The RB Development PRD for the RB Development Apartments originally implemented a 45' height restriction and no unit count limitation. An amendment to the PRD reduced this height limitation to 2-stories and maximum 30-unit count to accommodate a reduced front yard setback.

The applicant proposes to reinstate the original height restriction and unit restriction for this area of the PRD, which is consistent with the underlying zoning. This additional height and unit count will provide enough units to justify the cost of an elevator in the building. An elevator is a necessity for a senior housing facility. Our studies show that seniors don't prefer stairs, and, in some cases, even two steps are too many. An elevator capable of transporting an EMT and gurney is important to provide the highest level of safety for tenants. To be economically viable, an elevator must service at least 50 units.

Open Space Modifications

The applicant proposes to reduce the existing open space requirement of 30% to 25% to allow for the additional parking area needed to facilitate the parking requirements. This reduction in open space requirements is justified as the quality of the open space will be increased by installing a garden area or dog park and additional landscaping.

Additionally, the property is located near a considerable amount of existing recreational open space. Bender Fields and a community garden are across the street, which compose nearly 40 acres of open space, which is larger than the PRD in itself.

Parking Modifications

The original PRD followed City of Lynden Municipal Code (COL) Parking Regulations for the project area, which is included in Area 'B' in the original PRD. Per COL 19.51.040, Off-street Parking Spaces Required, Multi-Family Dwelling Units, 2 parking spaces are required per unit up to 25 units and 1.5 per unit over 25 units. This resulted in a requirement of 80 spaces for the existing 45 units which were constructed as the Parkview West Apartments on the subject parcel (25 units x 2 stalls/unit + 20 units x 1.5 stalls/unit = 80 required stalls). 89 stalls were constructed for the existing 45 units at the time of construction.

The applicant proposes to comply with City of Lynden Municipal Code parking requirements for the additional 50 units proposed on the property with no exceptions. The amendment to the PRD will be to follow COL code for the Retirement Housing parking requirements on the parcel.

The Parkview West Housing Expansion will be an age restricted senior housing apartment building. Per COL 19.51.040, Off-street Parking Spaces Required, Retirement Housing, 1 stall per unit is required. The project proposes to install 47 parking spaces, which results in 136 total stalls including the previously constructed parking stalls. The required parking stalls for the aggregate development is 130 stalls (80 existing required stalls + 50 units x 1 stall/unit = 130 stalls)

Storage Space Modification

Section 14.h of the original Development Contract for the “RB Development Apts” requires that apartment units in Area B must be provided with a minimum of 32 square feet of storage space per unit. This storage space is connected to the existing carport structures at Parkview West Apartments.

To meet the density requirements of the proposed apartment project, there is not sufficient available land to construct the storage spaces as in the original Parkview West Apartment design. Development on the remainder of the parcel is limited by existing private and public utility easements.

The modification to the existing PRD is to remove this requirement for the new housing expansion project to meet the original density contemplated by the PRD.

Architectural Theme

The proposed structure’s architecture is deeply rooted in tradition. Design cues were taken from classic brownstone of the East Coast and Northern European homes. Construction method, materials, window proportions, color palette and an intimate neighborhood feel are examples of what the housing project will attempt to duplicate in the City of Lynden. In that vein and due to the high quality of materials proposed, the addition of the structure to the north side of Aaron Drive will improve both the pedestrian aesthetic experience and residential character of Lynden’s great town.



Proposed Architectural Design Feature Examples

PRD Open Space Calculation

Per Section 12.c of the original RB Development and Heritage Park PRD, 40% private open space must be maintained across the entire PRD (not including park dedication). Per COL 17.01.030, “Open space” means land areas not covered by buildings, parking structures, or accessory structures, except recreational structures. It includes land which is accessible and available to all occupants of dwelling

areas for whose use the space is intended. Section 12.c of the original PRD amends this definition to not allow parking areas to count as open space.

After the development of the proposed housing expansion, 12.75 acres of open space will remain. This is greater than the 11.64 acres (40% of 29.1 acres) required by Section 12.c of the existing PRD. This open space was calculated by determining the area of the non-open space (16.35 acres - shown in magenta below) and subtracting that from the total 29.1-acre PRD. This the park dedication as discussed in Section 12.c is not included in this analysis.



RB Development and Heritage Park Proposed Open Space

Parkview West Parcel Open Space

The open space requirement for the Parkview West Apartments parcel is proposed to be reduced from 30% to 25%. The additional parking space area required for the proposed unit count will necessitate this reduction. An attached exhibit is provided to demonstrate the existing and proposed open spaces on the site.

The existing open space on the parcel will be improved to justify this reduction in open space requirements. This will include a community garden for tenants, or possibly a fenced dog park area. Additionally, the project is located next to nearly 40 acres of open space directly across Aaron Drive in Bender Fields. A community garden is across the street as well. The tenants in the Parkview West parcel will be in proximity to a far greater area of open space than many other locations in Lynden.

In conclusion, the proposed Parkview West Senior Housing Expansion will provide additional density for the RB Development and Heritage Park PRD which was originally contemplated but never completed. The age-restricted senior housing is an appropriate land use for the area based on the nearby Assisted Living land use. Slight modifications to the existing PRD restrictions will allow for architecturally attractive, infill development which reduces environmental impacts associated with construction on previously undeveloped land.

Sincerely,

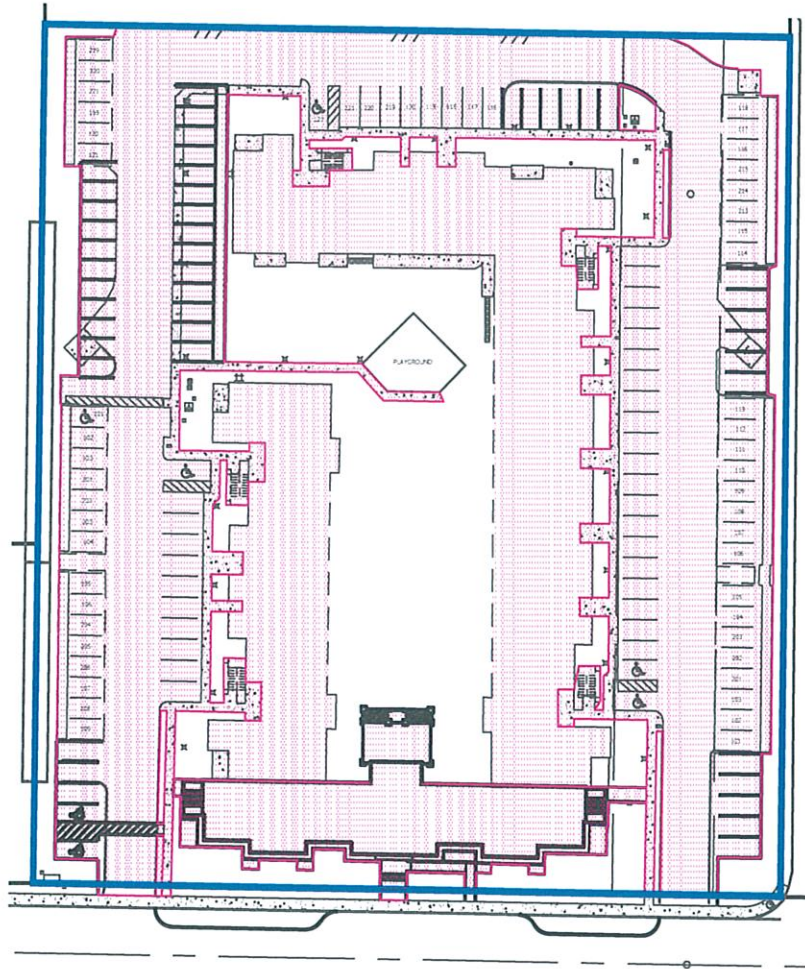
Scott Goodall, PE
Project Engineer, Associate
sgoodall@psurvey.com

Pacific Surveying & Engineering, Inc.
909 Squalicum Way, Suite 111
Bellingham, WA 98225

PACIFIC SURVEY & ENGINEERING INC EMAIL: info@psurvey.com
 909 SQUALICUM WAY-SUITE 111-BELLINGHAM, WA 98225 PHONE:360.671.7387 FAX:360.671.4685 www.pssurvey.com

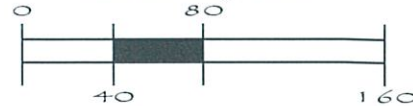


PARKVIEW WEST SENIOR HOUSING EXPANSION
 OPEN SPACE CALCULATION



	Area (SF)	Open Space (SF)	Open Space %
Total Site:	122,760		
Existing Impervious:	73,954	48,806	39.8%
Impervious Area including Housing Expansion:	87,874	34,886	28.4%

GRAPHIC SCALE
 (in survey feet)





STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
LANDSCAPE ARCHITECT
CERIFICATE NO. 1641



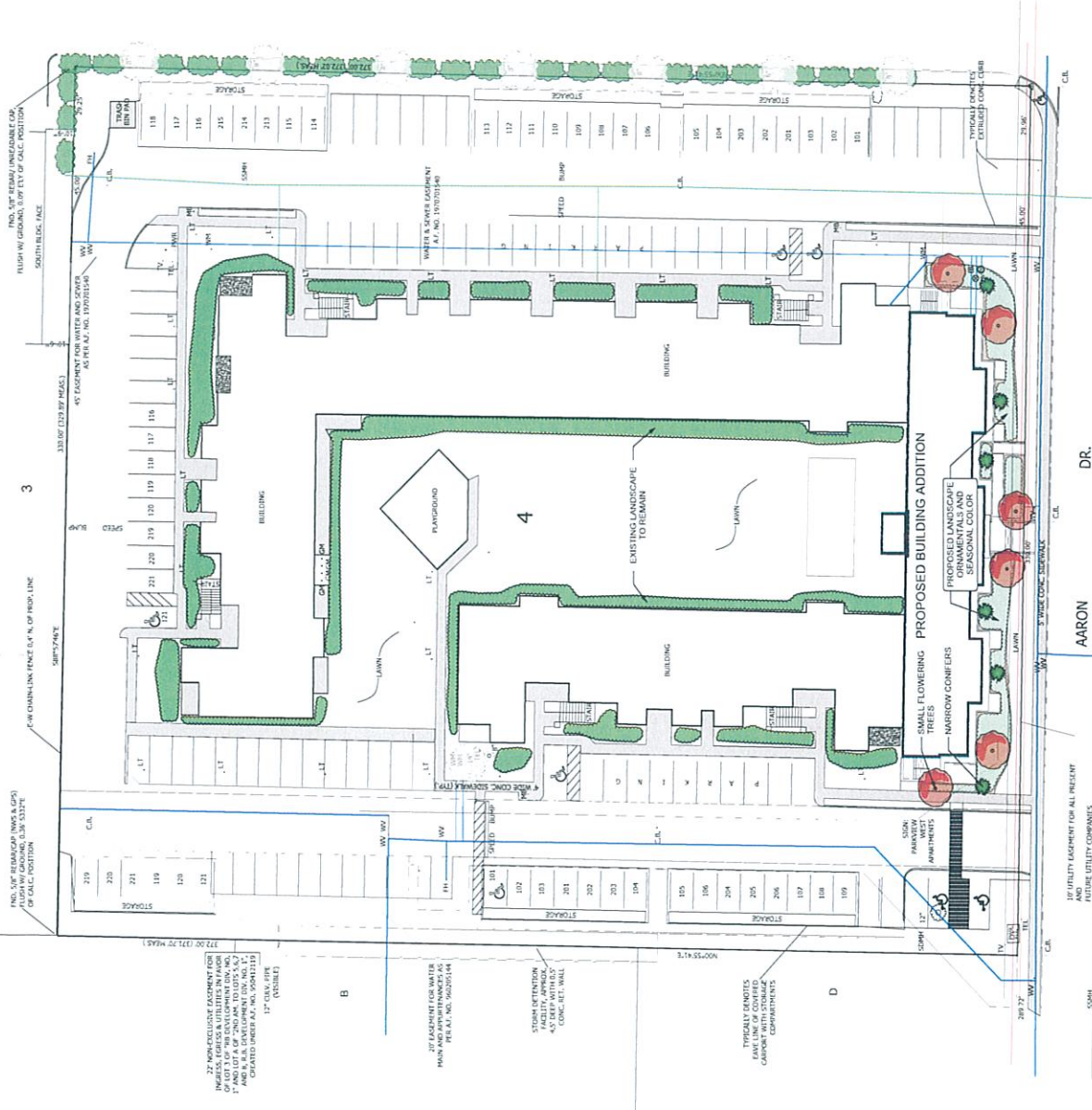
Cascade Design Group
P.O. Box 5938
Bellingham, WA 98227
Paul George
Landscape Architect
360.715.2119
paul@casadedesigngroup.net

PARKVIEW WEST HOUSING EXPANSION
801 Aaron Dr. Lynden, WA 98264

PROJECT START DATE	June 24th, 2019
REVISIONS	September 19th, 2019

L1

345





A0.1

Plan

Document Date: September 27, 2019

Document Phase: Schematic Design

rev date remark

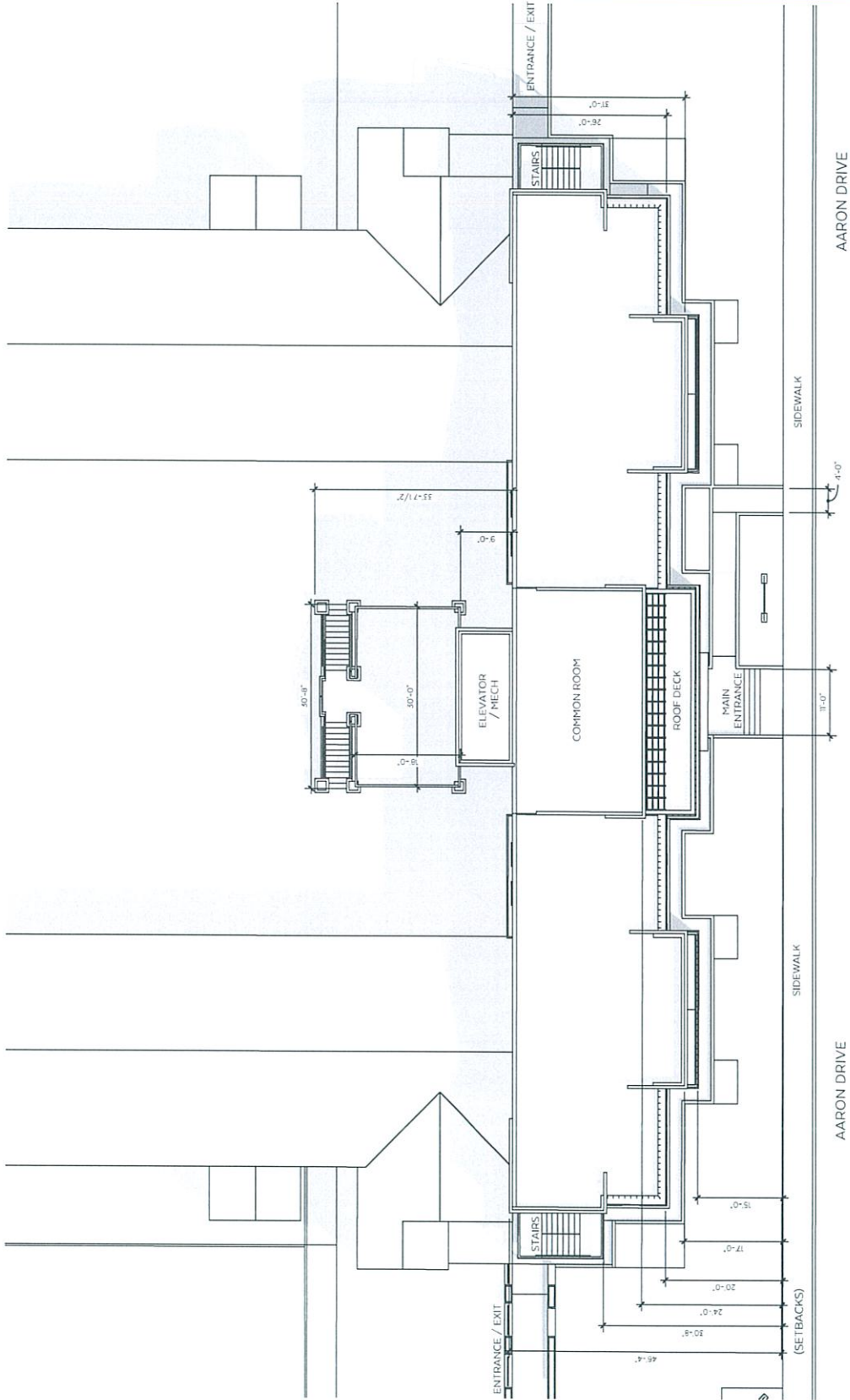
Parkview Housing

FALCONWORKS

119 NORTH COMMERCIAL STREET SUITE 1504
BELLINGHAM, WASHINGTON 98225
E JON@FALCONWORKSDESIGN.COM
P 360 319 2076

801 Aaron Drive
Lynden, WA 98264

1910 - Parkview Housing / Henderson Hospitality



1 PLAN
1/8" = 1'-0"

© FALCONWORKS - The design of this plan and the information contained herein is the property of Falconworks Design, Inc. and is not to be used, copied, or reproduced in any form without the written permission of Falconworks Design, Inc. All rights reserved.



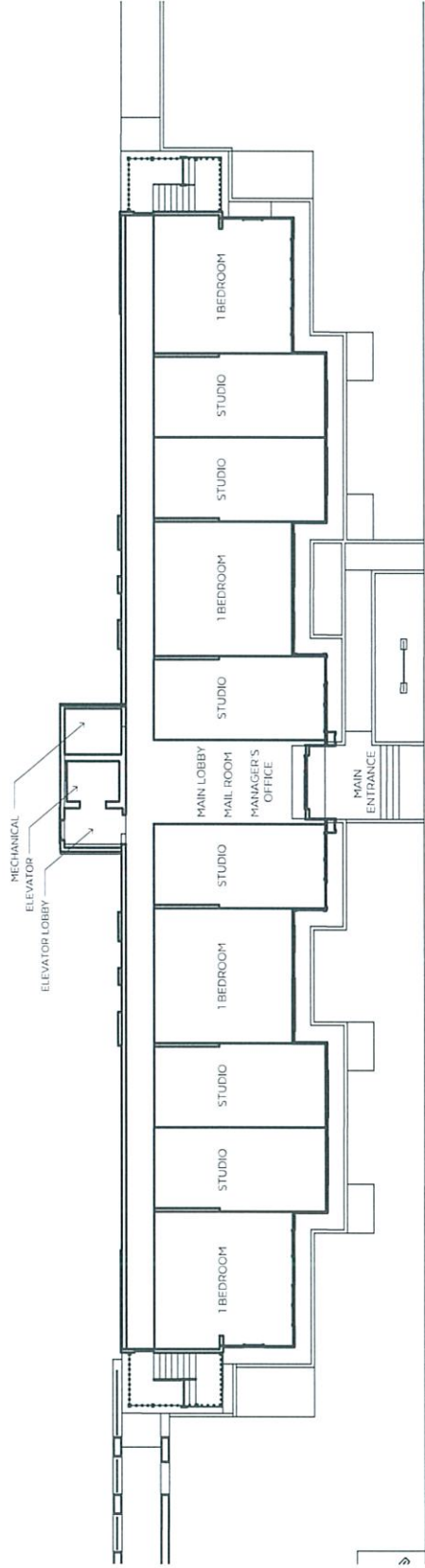
A0.3

Ground Floor Plan

Document Date	September 27, 2019	
Document Phase	Schematic Design	
rev.	date	remark

910 Parkview Housing / Holmdel Hospital
 801 Arden Drive
 Lynden, WA 98949

FALCONWORKS
 119 NORTH COMMERCIAL STREET SUITE 1504
 BELLINGHAM, WASHINGTON 98225
 E. JON@FALCONWORKSDSIGN.COM
 P. 360.319.2076



APARTMENT UNIT COUNT

GROUND FLOOR	10 UNITS
SECOND FLOOR	11 UNITS
THIRD FLOOR	11 UNITS
FOURTH FLOOR	8 UNITS
FIFTH FLOOR	51 UNITS
TOTAL UNITS	91
1-BEDROOMS	31
STUDIOS	20

1 GROUND FLOOR PLAN
 SCALE: 1/8" = 1'-0"

© FALCONWORKS. The use of information contained herein is permitted for the project for which it was prepared. The use of information for other projects is prohibited without the express written consent of Falconworks. All rights reserved.



A0.4

Top Floor Plan

Document Date
September 27, 2019

Document Phase
Schematic Design

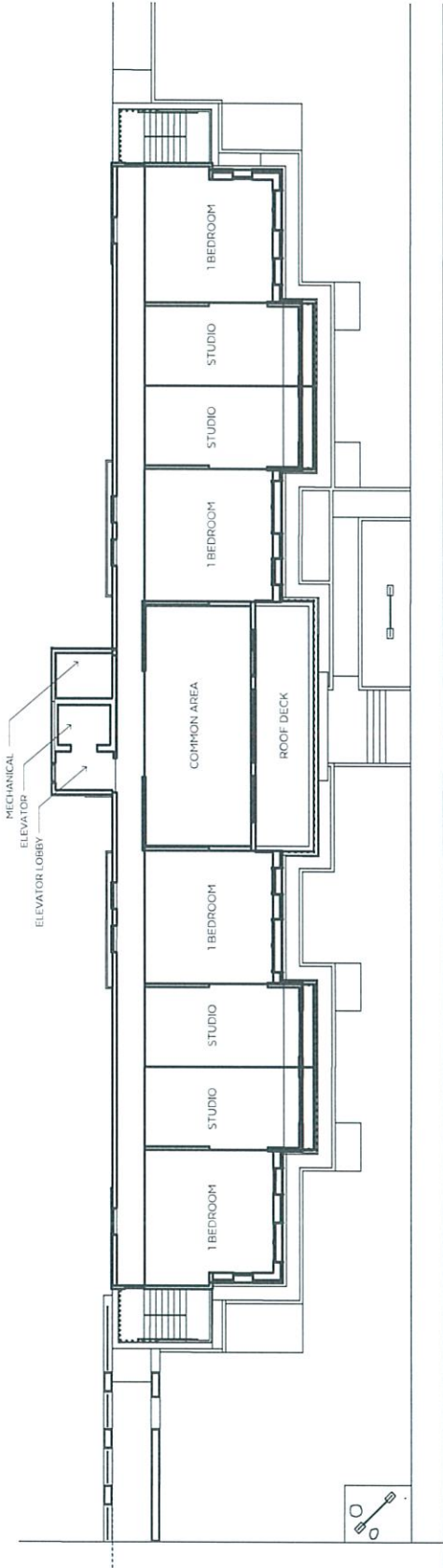
rev date remark

Parkview Housing

FALCONWORKS

119 NORTH COMMERCIAL STREET SUITE 1504
 BELLINGHAM, WASHINGTON 98225
 E JON@FALCONWORKSDESIGN.COM
 P 360.519.2078

1910 Parkview Housing / Midlander Hospitality
 801 Adorn Drive
 Lynden, WA 98264



APARTMENT UNIT COUNT	
GROUND FLOOR	10 UNITS
SECOND FLOOR	11 UNITS
THIRD FLOOR	11 UNITS
FOURTH FLOOR	8 UNITS
FIFTH FLOOR	5 UNITS
TOTAL UNITS	55
1-BEDROOMS	31
STUDIOS	20

1 TOP FLOOR PLAN
 11/08/19 1:10

FALCONWORKS is a registered professional architectural firm in the state of Washington. The information contained herein is preliminary and subject to change without notice. It is not to be used for construction purposes without the written consent of Falconworks.



A0.6

North Elevation

Document Date
September 27, 2019

Document Phase
Schematic Design

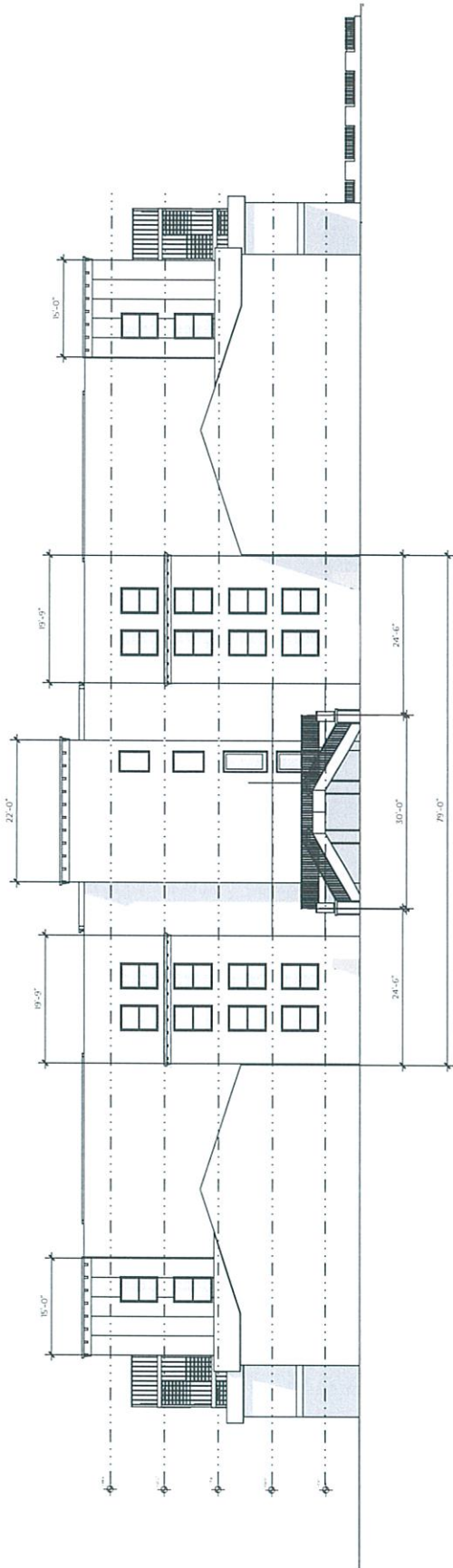
rev date remark

1910 Parkview Housing / Historical Hospitality

801 Ayrton Drive
Lynn, WA 98284

119 NORTH COMMERCIAL STREET SUITE 1504
BELLINGHAM, WASHINGTON 98225
E JON@FALCONWORKSDESIGN.COM
P 360 319 2076

FALCONWORKS



1 NORTH ELEVATION
1/8" = 1'-0"

FALCONWORKS, Inc. is a registered professional architectural firm licensed in the state of Washington. All drawings are the property of Falconworks, Inc. and are not to be reproduced without the written consent of Falconworks, Inc. © 2019 Falconworks, Inc.



A0.7

View

rev. date remark

Document Phase

September 27, 2019

Document Date

1910 Parkview Housing / Midstate Hospitality

801 Arbor Drive
Lynn, WA 98224

Parkview Housing

FALCONWORKS

119 NORTH COMMERCIAL STREET SUITE 1504
BELLINGHAM, WASHINGTON 98225
E. JON@FALCONWORKSDESIGN.COM
P. 360.519.2076





Pacific Surveying & Engineering, Inc

land surveying • civil engineering • consulting • planning • gis

909 Squalicum Way, #111, Bellingham, WA 98225
Phone 360.671.7387 Facsimile 360.671.4685 Email pse@psurvey.com

July 1, 2019

City of Lynden Public Works Department
300 4th St
Lynden, WA 98264

**Re: Traffic Impact Analysis
Parkview West Housing Expansion**

As a requirement of the Planned Residential Development (PRD) Amendment to the existing RB Development/Heritage Park PRD, a Traffic Impact Analysis has been performed by Pacific Surveying and Engineering.

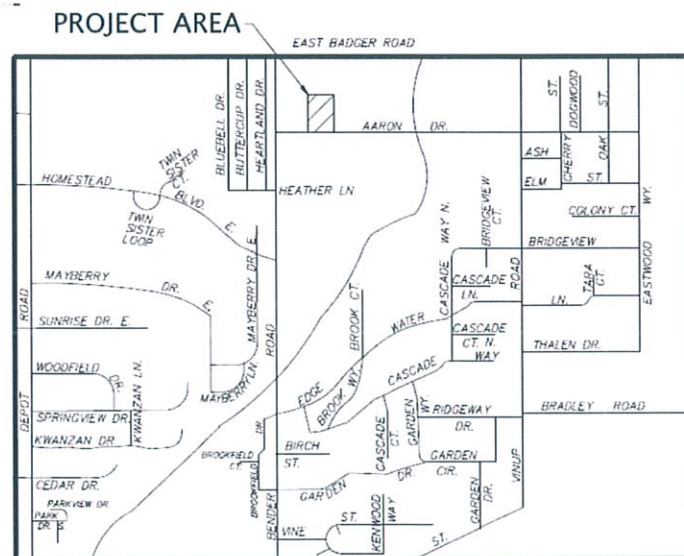
Traffic Impact Analysis Checklist Thresholds

This project proposes to construct a housing expansion to the existing Parkview West Apartments located at 801 Aaron Drive. This housing expansion will be an age restricted senior living apartment building. This project will result in 5.5 Peak-Hour Trips as discussed in Section 2 below. According to the City of Lynden Traffic Impact Analysis Checklist, only Sections 1, 2 and 8 are required to be completed. This memo will address these Sections on the checklist.

Section 1: Project Description

Location

The project is located at 801 Aaron Drive in Lynden, WA. A site plan has been attached. See vicinity map below.



VICINITY MAP

Type and Size of Development

The proposed building expansion will include 50 additional units in a 5-story apartment building. The proposed square footage of the building is approximately 23,375 square feet excluding the exposed stair, elevator shaft and roof top deck.

Phase, Timing and Horizontal Year

The construction of the proposed building is to begin February 2, 2020 and will take approximately one year to complete construction.

Access Locations and Sight Distance

The existing site includes access location shown in the figure below approximately 240' apart. Per City of Lynden Development Standards, a sight distance of 280' is required at each access onto an Arterial Roadway (Aaron Drive is a Secondary Arterial). As shown in the figure below, this requirement is met.



Existing Sight Distance

Section 2: Trip Generation

Average Daily Traffic

The Average Daily Traffic generated by 50 units of the Senior Adult Housing (252) Use based on the ITE 7th Edition is 174 trips per day (50 units x 3.48 ADT/unit = 174 trips).

PM Peak Hour Trips

The Weekday PM Peak Hour Trip Generation based on the ITE 7th Edition is 0.11 Average Rate. This results in 50 units x 0.11 = 5.5 Weekday PM Peak Hour Trips.

Assumptions and Methodology

Only the ITE 7th Edition was used for the analysis.

Section 8: Minimum Mitigation Requirements

Residential developments that generate ten PM peak-hour trips or less will be required to pay the current traffic impact fees.

Sincerely,



Scott Goodall, PE
Project Engineer, Associate
sgoodall@psurvey.com

Pacific Surveying & Engineering, Inc.
909 Squalicum Way, Suite 111
Bellingham, WA 98225
ph 360.671.7387 fax 360.671.4685
www.psurvey.com

119 NORTH COMMERCIAL STREET, STE. 165
BELLINGHAM, WA 98227-2129
(360) 647-1916 FAX (360) 734-9452

Market Analysis for Amended Planned Residential Development

Parkview West Housing Expansion

July 1, 2019

Proposed Project Overview

The proposed project is targeted at seniors 55+ in age. The proposed 5 story building will be added to the Existing Parkview Apartment Complex. The following are some general reasons that justify this new supply:

Occupancy Big Picture – Whatcom County

For decades Whatcom County Housing Authority has consistently had waiting lists for units. There is currently a less than one percent vacancy for the approximately 3,200 units they manage. Additionally, market rents have continued to climb. A general trend in the entire market has been a tendency for units to get smaller. The average Housing Authority family size is 2.53 people per unit (see attached Housing Authority Snapshot).

A recent County wide survey of 17,000 apartment units found a current vacancy rate below one percent and near 0 percent for 1-bedroom units. Skagit County also has a vacancy rate below one percent (see attached Bellingham Herald article dated February 19, 2019 by Dave Gallagher).

Occupancy in Lynden

Don Gustafson, MAI is one of the most respected real estate appraiser and market analyst in Whatcom County. He notes that occupancy rates and absorption of new units in all of Whatcom County for all categories is amazing. The market has very high occupancy levels for studios and one-bedroom units. The vacancy rate is less than one percent countywide for standard housing, low-income subsidized housing, and for age-restricted or senior housing. He believes that demand for one bedroom units in Lynden far exceed supply and although there are not many studios in Lynden, he is very confident there is more than enough demand for the 49 units we are proposing. He agrees that this is a perfect location for seniors and is familiar with the tendency of families encouraging their aging parents to be in a “clean, dynamic, quality and safe” community and that “Lynden has a great reputation.”

Hollander’s existing adjacent Parkview Complex has been consistently 100% occupied for the last 5 years. Our one bedroom units have a long waiting list and we always try to get seniors to the ground floor units as they often don’t prefer stairs.

Our own survey of other Lynden apartments, senior apartments and assisted living facilities include but are not limited to: Adjacent Lynden Manor, New Depot Rd Apartments, LaVilla Apartments, Mercedes Corner Apartments, Meadow Greens Independent senior apartment wing, and Lions Head. Our study of other apartments in Lynden indicates a vacancy rate of about one percent of the 200 one bedroom and studios in these complexes.

Additional Justification for Project's Size

The proposed project will include smaller-than-average units. Our studies indicate seniors don't prefer stairs and, in some cases, even two steps are too many. Very few apartments in the Lynden market have an elevator, as elevators generally cost about \$250,000. To make it feasible to have an elevator in an apartment complex, at least 50 units should be serviced by one elevator. This is why the proposed project needs to be five stories, as it would have enough units to justify an elevator. This elevator will be big enough to handle EMT gurney requirements. In addition, this building will have a full fire sprinkler system.

Our experienced development and operational teams are confident we can deliver a very attractive building that serves a need in this community and is an efficient use of land and building design.

Mark Hollander, President
Hollander Investments & Hospitality

Guide To Affordable Housing in Whatcom County, Washington

Whatcom County, WA Affordable Housing Snapshot

Total Affordable Apartment Properties	70
Total Low Income Apartments	3,248
Total Rent Assisted Apartments	1,017
Percentage of Housing Units Occupied By Renters	36.87%
Average Renter Household Size	2.44
Total Population	207,100
Housing Units	79,767
Average Household Size	2.53
Median Household Income	\$53,145 ±\$1,739
Median Rent	\$925 ±\$18
Percentage Of Renters Overburdened	53.47% ± 2.49pp

Population and Household Demographics

Whatcom County is a County in [Washington](#) with a population of 207,100. There are 79,767 households in the county with an average household size of 2.53 persons. 36.87% of households in Whatcom County are renters.

Income and Rent Overburden in Whatcom County

The median gross income for households in Whatcom County is \$53,145 a year, or \$4,429 a month. The median rent for the county is \$925 a month.

Households who pay more than thirty percent of their gross income are considered to be Rent Overburdened. In Whatcom County, a household making less than \$3,083 a month would be considered overburdened when renting an apartment at or above the median rent. 53.47% of households who rent are overburdened in Whatcom County.¹

Area Median Income In Whatcom County

Affordable housing program eligibility is always determined by one's income. Each household's income is compared to the incomes of all other households in the area. This is accomplished through a statistic established by the government called the Area Median Income, most often referred to as AMI. The AMI is calculated and published each year by HUD.

In Whatcom County, HUD calculates the Area Median Income for a family of four as \$79,100

Most affordable housing programs determine eligibility based on the percent of AMI a given household's income is. Among the programs that determine eligibility based on the AMI are Section 8, HOME, LIHTC, Section 515, 202 and 811.

Rental Assistance in Whatcom County

Rental assistance is a type of housing subsidy that pays for a portion of a renter's monthly housing costs, including rent and tenant paid utilities. This housing assistance can come in the form of Section 8 Housing Choice Vouchers, project-based Section 8 contracts, public housing, USDA Rental Assistance (in Section 515 properties) as well as HUD Section 202 and 811 properties for elderly and disabled households.

Income Qualifications for Whatcom County HUD Rental Assistance in Whatcom County

Income	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
30% of Median	\$16,650	\$19,000	\$21,400	\$25,750	\$30,170	\$34,590	\$39,010	\$43,430
50% of Median	\$27,700	\$31,650	\$35,600	\$39,550	\$42,750	\$45,900	\$49,050	\$52,250
80% of Median	\$44,350	\$50,650	\$57,000	\$63,300	\$68,400	\$73,450	\$78,500	\$83,600

Low Income Housing Tax Credits in Whatcom County

The Low-Income Housing Tax Credit (LIHTC) program aims to create affordable rental housing for low and very low income families.

From 1987 to 2009, 35 low income apartment communities containing 1,940 rental apartments have been constructed and made affordable to low income persons in Whatcom County by the Low Income Housing Tax Credit Program.

If your income is less than 60% of the Area Median Income (AMI), you should not expect to pay more than the rent value for a unit in the table below. However, Affordable apartment communities that receive funding through the Low Income Housing Tax Credit program may have rental units that are not subject to income and rent limits. Rent limits for the LIHTC Program are determined so that a household making the maximum income for the expected household size of the unit would only pay 30% of their income for rent.

Income Qualifications for Low Income Housing Tax Credit Apartments in Whatcom County

Income	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
60% of Median	\$33,240	\$37,980	\$42,720	\$47,460	\$51,300	\$55,080	\$58,860	\$62,700

For example, the expected household size for a two bedroom apartment is 3 people. Using the table above, the maximum income for a 3 person household at 60% of the AMI in Whatcom County is \$42,720 a year, or \$3,560 a month. To determine the maximum rent in the table below we multiply the monthly maximum income, \$3,560 by 30% to get a maximum rent of \$1,068 a month.

Rent for units in the LIHTC Program include a utility allowance which is determined by the average monthly cost of utilities paid directly by residents. This allowance has not been subtracted from the rents in the table below. These utility allowances are set on a property by property basis.

% of AMI	Studio	1 Bed	2 Bed	3 Bed	4 Bed	5 Bed
50%	\$693	\$742	\$890	\$1,029	\$1,148	\$1,266
60%	\$831	\$890	\$1,068	\$1,235	\$1,377	\$1,520

Fair Market Rents in Whatcom County

Fair Market Rents, often abbreviated as FMR, can be used to better understand the average housing costs of an area. Notably, Fair Market Rents are used to establish the payment standards for the Housing Choice Voucher Program, maximum rents in HOME financed rental projects and initial rents for Section 8 project based assistance.

2019 Fair Market Rents

Studio	One BR	Two BR	Three BR	Four BR
Studio	One BR	Two BR	Three BR	Four BR
\$747	\$811	\$1,058	\$1,530	\$1,858

Cities In Whatcom County

Select A City to View its Apartment Communities and Waiting Lists.

Search:

City	Listings Served By	
Bellingham	52	The HUD funded Public Housing Agencies that serve Bellingham are the Bellingham Housing Authority and Whatcom County Housing Authority .
Lynden	2	The HUD funded Public Housing Agencies that serve Lynden are the Whatcom County Housing Authority and Bellingham Housing Authority .
Blaine	4	The HUD funded Public Housing Agencies that serve Blaine are the Whatcom County Housing Authority and Bellingham Housing Authority .
Ferndale	6	The HUD funded Public Housing Agencies that serve Ferndale are the Whatcom County Housing Authority and Bellingham Housing Authority .
Everson	2	The HUD funded Public Housing Agencies that serve Everson are the Whatcom County Housing Authority and Bellingham Housing Authority .
Deming	3	The HUD funded Public Housing Agencies that serve Deming are the Whatcom County Housing Authority and Bellingham Housing Authority .
Sumas	1	The HUD funded Public Housing Agency that serves Sumas is the Bellingham Housing Authority .
Acme	0	The HUD funded Public Housing Agency that serves Acme is the Bellingham Housing Authority .
Birch Bay	0	The HUD funded Public Housing Agency that serves Birch Bay is the Bellingham Housing Authority .
Custer	0	The HUD funded Public Housing Agency that serves Custer is the Bellingham Housing Authority .
Geneva	0	The HUD funded Public Housing Agency that serves Geneva is the Bellingham Housing Authority .
Glacier	0	The HUD funded Public Housing Agency that serves Glacier is the Bellingham Housing Authority .
Kendall	0	The HUD funded Public Housing Agency that serves Kendall is the Bellingham Housing Authority .
Maple Falls	0	The HUD funded Public Housing Agency that serves Maple Falls is the Bellingham Housing Authority .
Marietta Alderwood	0	The HUD funded Public Housing Agency that serves Marietta Alderwood is the Bellingham Housing Authority .
Nooksack	0	The HUD funded Public Housing Agency that serves Nooksack is the Bellingham Housing Authority .

City	Listings	Served By
Peaceful Valley	0	The HUD funded Public Housing Agency that serves Peaceful Valley is the Bellingham Housing Authority .
Point Roberts	0	The HUD funded Public Housing Agency that serves Point Roberts is the Bellingham Housing Authority .
Sudden Valley	0	The HUD funded Public Housing Agency that serves Sudden Valley is the Bellingham Housing Authority .
Marietta-Alderwood	0	The HUD funded Public Housing Agency that serves Marietta-Alderwood is the Bellingham Housing Authority .
Previous	1	

Having trouble finding an apartment rental in Whatcom County? Here's why

BY DAVE GALLAGHER

FEBRUARY 17, 2019 05:00 AM, UPDATED FEBRUARY 17, 2019 06:00

A lack of affordable units and a tight housing market make it difficult for low- and middle-income earners to find a place to rent in Bellingham. BY JIM DONALDSON

Despite the recent surge in construction around Bellingham, a new survey indicates it's still hard to find an apartment to rent.

Whatcom County's apartment vacancy rate was a minuscule 0.24 percent last fall, [according to a survey done](#) by the [Runstad Department of Real Estate](#) at the University of Washington.

That's down from 0.6 percent in the fall of 2017 and well below the 5 percent [that typically represents a balanced market](#), meaning neither renters nor landlords have an advantage.

In raw numbers, the lack of vacant apartments in this survey shows the extent of the shortage. Of the 17,413 apartment units surveyed, only 42 were available. Of the 2,234 one-bedroom apartment units surveyed, only one was available last fall.

Government-assisted housing units were not a part of this survey. And many of the apartment units in the survey are in established buildings, said James Young, director of the center. He acknowledged in an interview that Bellingham has built many new units recently that might not have shown up in the survey. That's because vacancy rates can be volatile in the first few months of a new building, so they wait before surveying them. If all the apartment units in this area were surveyed, Young believes the vacancy rate would be only slightly higher.

Tom Follis of Wm. T. Follis Realtors in Bellingham believes the apartment rental market is a smidge tighter than it was last year, a time when it was already very tight. However supply is definitely chasing demand, with plenty more large projects in the planning stages, he said in an interview. It will still take time for that new supply to start raising the vacancy rate in the area, particularly in Bellingham.

The average vacancy rate across Washington state was 4.3 percent last fall, according to the report. Skagit's vacancy rate was 0.47 percent, while King County came in at 5.24 percent.

WHY DOES THE RENTAL MARKET REMAIN SO TIGHT?

Several factors are in play for the rental market being tight, generally revolving around low supply and high demand. Young believes one big factor that's recently made the crunch worse is that hardly any condominiums are being built.

He said it's a statewide problem that is becoming acute in Western Washington, including Whatcom County. With so few new condominium units on the market, potential buyers are instead entering the rental market, creating more demand.

Why aren't condos being built? Young said regulations in place make it likely for contractors and developers to be sued by future condo associations. That's discouraged commercial lending as well as created unaffordable insurance premiums for these kind of projects.

WHAT ABOUT RENTAL RATES?

Despite the ultra-low vacancy rate, the average rent last fall was down slightly compared to the fall of 2017. According to the data, the average monthly rent of surveyed units was \$985, down from \$990 in the fall of 2017. The average rent for a two-bedroom apartment was \$1,048, down from \$1,109 the previous fall.

That small drop probably isn't leading to a trend of further declines, Follis said. He expects rental rates to rise again later this year, something that could continue if the vacancy rate remains low.

IS CONSTRUCTION KEEPING UP?

Bellingham had a busy construction season last year when it came to building apartments and duplexes. [According to city data](#), permits were issued for 578 multi-family residential units, the largest total in three years.

Several projects are already in the works for this year, [including 174 units](#) near Costco, [the 513 beds for the Stateside](#) residential building on North State Street and [projects near Bakerview Road](#). A proposal recently submitted to the city calls for 65 units at [500 32nd St.](#), near Western Washington University.

Follis said he expects the new projects will help supply finally catch up with demand. Once that happens, the shift will tilt in the renters' favor.



City of Lynden

Critical Areas Checklist

SECTION: 16 TOWNSHIP: 40N RANGE: 3E PARCEL NUMBER: 400316049520

Site Address: 801 Aaron Drive, Lynden, WA 98264

Proposed Uses: Senior housing facility

Please answer the following questions concerning Critical Area indicators *located on or within 200-feet of the project area*: Please see attached CAO Memorandum

- a. Are you aware of any environmental documentation that has been prepared related to critical areas that includes the subject area? (If yes, please attach a list of document titles).
 Yes No Unknown
- b. Are there any surface waters (including year-round and seasonal streams, lakes, ponds, swamps)?
 Yes No Unknown
- c. Is there vegetation that is associated with wetlands?
 Yes No Unknown
- d. Have any wetlands been identified?
 Yes No Unknown
- e. Are there areas where the ground is consistently inundated or saturated with water?
 Yes No Unknown
- f. Are there any State or Federally listed sensitive, endangered, or threatened species and habitats?
 Yes No Unknown
- g. Are there slopes of 15% or greater?
 Yes No Unknown
- h. Is the project located within a Flood Hazard Zone?
 Yes No Unknown
- i. Do you know of any landslide hazard areas?
 Yes No Unknown

I grant permission to the field inspector to enter the building site to determine the presence or absence of critical areas.

I understand that if the information on this form is later determined to be incorrect, the project or activity may be subject to conditions or denial as necessary to meet the requirements of Chapter 16.16 of the Lynden Critical Areas Ordinance.

[Signature]
Applicant's Signature

6/26/2019
Date

ELEMENT Solutions
909 Squalicum Way, Suite 111
Bellingham, WA 98225



July 1, 2019

Submitted To: Hollander Investments, Inc.
119 North Commercial Street
Bellingham, WA 98225

Subject: Critical Areas Checklist Additional Sheet
Parkview West Senior Living Amended Planned Residential Development Application
Lynden, WA

The following memorandum was prepared to provide additional information for the City of Lynden Critical Areas Checklist. The proposed project includes constructing a housing expansion onto the existing Parkview West Apartments located at 801 Aaron Drive in Lynden, WA.

Question A: Are you aware of any environmental documentation that has been prepared related to critical areas that includes the subject area? (If yes, please attach a list of document titles).

A site plan that appears to show Fishtrap Creek and an associated buffer was prepared by Associated Project Consultants, Inc. and was attached to the original Development Contract. The applicant is not aware of any additional studies.

Question B: Are there any surface waters (including year-round and seasonal streams, lakes, ponds, swamps)?

Fishtrap Creek crosses the parcel approximately 1,000 feet from what will be the eastern edge of the proposed building. Fishtrap Creek and its associated buffer appear to be shown in Area F of the site plan by Associated Project Consultants, Inc that was included as Exhibit A in the original Development Contract. While Fishtrap Creek does cross the parcel on which the proposed project would be constructed, the actual project development footprint is approximately 1,000 feet from Fishtrap Creek. The actual proposed project area is located outside of any known regulated critical areas and their associated buffers; therefore, there are no anticipated development-related impacts to Fishtrap Creek or its buffer.

Question C: Is there vegetation associated with wetlands?

There may be vegetation associated with NWI and PHS-mapped wetlands near Fishtrap Creek, but no wetland vegetation has been identified within 200 feet of the project area, as the area is highly developed with concrete, landscaping, and other buildings.

Question D: Have any wetlands been identified?

NWI and PHS online data shows a freshwater emergent (PEM1C) wetland associated with Fishtrap Creek. To the applicant's knowledge this wetland has not been field verified.

Question E: Are there any areas where the ground is consistently inundated or saturated with water?

None known or identified.

Question F: Are there any State or Federally listed sensitive, endangered, or threatened species and habitats?

The applicant performed a database search for possible state and federally-protected species.

State

Washington State Department of Fish and Wildlife Priority Habitats and Species data show occurrences and breeding areas of several State-listed fish species in Fishtrap Creek. These species include Resident Coastal Cutthroat (*Oncorhynchus clarki*), Winter Steelhead (*O. mykiss*), Fall Chinook (*O. tshawytscha*), Dolly Varden (*Salvelinus malma*)/Bull Trout (*Salvelinus confluentus*), Chum (*O. keta*), and Coho (*O. kisutch*).

Federal

U.S. Fish and Wildlife Information for Planning and Consultation (IPaC) mapping shows three federally threatened bird species and two fish species that may occur in the project site vicinity: Marbled Murrelet (*Brachyramphus marmoratus*), Streaked Horned Lark (*Eremophila alpestris strigata*), Yellow-billed Cuckoo (*Coccyzus americanus*), Bull Trout, and Dolly Varden.

Field

No federal or state sensitive, endangered, or threatened species and habitats have been observed on or within 200 feet of the proposed project footprint. The project site itself is in a highly developed area. There are protected species and habitats associated with Fishtrap Creek based on mapping by WDFW and USFWS, but none have been field verified.

Question G: Are there slopes of 15% or greater?

No.

Question H: Is the project located within a Flood Hazard Zone?

No.

Question 1: Do you know of any landslide hazard areas?

None known or identified.

If you have any questions about this report or other matters, please contact me at (360) 671-9172.

Respectfully,

Element Solutions



Paul Pittman, M.S., L.E.G.
Earth and Environmental Sciences Manager, Principal
ppittman@elementsolutions.org

**RB Development and Heritage Park
PRD #94-1
Development Contract Update**

1. PRD #94-1 History

The RB Development PRD was originally approved in 1994. It encompassed 29.1 acres of property located between Badger Road and Aaron Drive and stretched from Bender Road to Vinup Road.

The development was planned to accommodate apartments, an assisted care facility (Lynden Manor), town home units, and 4-plex condominiums for a total of up to 437 units. Since its original approval in 1994 the PRD was amended a number of times. Amendments addressed a variety of issues including the inclusion of the Christian Healthcare Center rather than apartments, fencing, street construction, setback revisions, height limit revisions, and changes to the Conditions Covenants and Restrictions (CC&R's).

This document intends to update and replace the original PRD Contract with a Contract which reflects how the property was actually built out, and how it should be managed in the future.

2. Identification of Parties.

This is a plan for a Planned Residential Development submitted to the City of Lynden (hereinafter called "Lynden" or "City") by the following individuals/corporations:

<u>LOT</u>	<u>OWNER NAME</u>	<u>OWNER / REGISTERED AGENT ADDRESS</u>
Bender Plaza Short Plat Lot B	Canoe Street, LLC	CJ Services Corporation 1500 Railroad Ave. Bellingham, WA 98225-4542
Bender Plaza Short Plat Lot C	Bender Plaza, L.L.C.	Lesa Starkenburg-Kroontje PO Box 231 Lynden, WA 98264-0231
Bender Plaza Short Plat Lot D	Perched Valley Property Management LLC	Julie Feng 3100 Squalicum Pkwy., Ste. 103 Bellingham, WA 98225-1936
Lot 3	Christian Health Care Center	Christian Health Care Center 855 Aaron Dr. Lynden, WA 98264
Lot 4	Aaron Drive Properties LLC	Barb Thompson 119 N. Commercial St. #165 Bellingham, WA 98225
Lot 5 (Lot A of RB Development Div No 1)	Christian Health Care Center	Christian Health Care Center 855 Aaron Dr. Lynden, WA 98264
Lot 6 (Lot B of RB Development Div No 1)	Christian Health Care Center	Christian Health Care Center 855 Aaron Dr. Lynden, WA 98264

(hereinafter called the "Developers").

3. Identification of Authority.

The original PRD Development Contract was submitted to the City under the authority of Lynden Municipal Code Chapter 19.29. The original hearing required by LMC 19.29.050 was held by the City. The Planning Commission held public hearings on the following dates:

April 14, 1994, 7:30 P.M.

May 25, 1994, 7:30 P.M.

June 9, 1994, 7:30 P.M.

The City Council held public hearings on the following dates:

August 22, 1994, 7:45 P.M.

September 19, 1994, 8:15 P.M.

The signatures of the Mayor and Public Works Director of the City attested to the approval of the preliminary plan by City Council.

The applicant submitted an Amended PRD Application to the City of Lynden on July 8, 2019. A Planning Commission hearing for the Amended PRD will be held on October 10, 2019. The signatures of the Mayor and Public Works Director of the City will attest to the approval of this Amended PRD Contract by City Council.

4. Identification of Documents.

The following documents are referred to in this plan and are incorporated in this plan as though fully set forth.

- a. Mitigated Determination of Nonsignificance prepared and advertised by the City, dated April 20, 1994.
- b. Updated Covenants, Conditions, and Restrictions (to be completed prior to execution of this development contract)
- c. Transportation Study
- d. Updated PRD Development Map, referred to herein as **Exhibit "A."**
- e. Shoreline Permit #94-1
- f. All documents of record from all public hearings.
- g. Ordinance #933, granting Rezone #93-2 for 38.5 acres RM 3 zoning and 1.5 acres CS-2 zoning.

5. Current Development Description.

RB Development and Heritage Park is a 29.1-acre planned residential community in Lynden. A 6.7-acre parcel was dedicated to the City of Lynden when the Development was formed in 1994. The site lies between Bender Road on the west, Vinup Road on the east and East Badger Road to the north. The development plan calls for PRD applications necessary to permit the preservation of open space area along with a development mix of multi-family and condominium type housing, together with an assisted care facility and townhouse units.

The current development divides the land uses as follows:

Lot	Development	Land Use	Unit Count	Acreage
2	Bender Plaza	Commercial	0	2.76
4	Parkview West Apartments	Multi-Family Units	45	2.82
3, A & B	Christian Health Care Center	Skilled Nursing Facility	148 Beds	6.38
C	Lynden Manor	Assisted Care Facility	109 Beds	3.37
D	Lynden Manor Townhomes	Condominiums	40	3.96
Heritage Park Estates Lots 1-20	Heritage Park Estates	Condominiums	64	9.81

The Total PRD area is 29.1 acres. There are 258 total units currently in the PRD, excluding patients of the Christian Health Care Center Skilled Nursing Facility. This is less than the 437 units contemplated by the original PRD. The Parkview West Senior Housing Expansion project will add 50 units to the existing 258, resulting in a total of 308 units.

The patients of the Christian Health Care Center Skilled Nursing Facility were excluded from this analysis. The Christian Health Care center provides skilled nursing care for memory and dementia patients, inpatient therapy care, and long-term care and rehabilitation.

From a planning perspective, the impact of one bed or patient in the Christian Health Care Skilled Nursing Facility to the remainder of the PRD is much different than from other units in the PRD. Most units in the remainder of the PRD house families or multiple people, compared to a single bed identified in the above table for these facilities. The parking requirements for the assisted care facilities are at least six time less than other units in the PRD because these patients keep fewer vehicles on the site. Because of these differences, the bed count from the Christian Health Care Skilled Nursing Facility was not included in the total PRD unit count.

6. Parkview West Apartments

The Parkview West Apartments are a multi-family residential community located in Lot 4 of the RB Development Division No. 1 (AF #950412119) subject to the below setback requirements:

Table 1. Original Parkview West PRD Requirements

HOUSING TYPE	FRONT	SIDE	REAR	HEIGHT	PARKING
Parkview West Apartments	30 ft	10 ft	25 ft	2 stories 30 units maximum per building	2/unit ≤ 25 units 1.5/unit > 25 units

The open space requirement is 30% for Lot 4 of the PRD, which is the Parkview West Apartments.

The apartment units must be provided with a minimum of 32 square feet of storage space per unit. This storage may be located either within the building or within a building elsewhere on the site. The proposed revisions to the PRD for the Parkview West Apartments are listed in Table 2.

Table 2. Proposed Parkview West PRD Requirements

	FRONT	SIDE	REAR	HEIGHT	PARKING
RB Development Apts	<u>15 ft</u>	10 ft	25 ft	<u>45 ft</u>	Existing Multifamily: 2/unit ≤ 25 units 1.5/unit > 25 units <u>Proposed Retirement Housing:</u> <u>1 per unit</u>

This PRD amendment proposes a *front yard setback reduction from 30 feet to 15 feet*, the *height limit of 2 stories be increased to 45 feet consistent with the City's PRD code when the underlying zoning is multifamily*, , the *maximum 30 unit per building stipulation be removed*, and the *parking requirement be updated to meet current COL code*. The *open space requirement is also to be reduced to 25% for Lot 4 of the PRD*, which is the Parkview West Apartments.

The proposed project is an age-restricted senior housing facility. There is a need for a senior housing facility within the RB Development PRD due to a housing shortage. This proposal will fit the existing function of the RB Development, which includes two Assisted Care Facilities. One service this age-restricted senior housing facility can provide is housing for spouses of the nearby tenants of the Assisted Care Facilities. Other one-bedroom apartments options in Lynden are limited, often with long wait lists, and this location is far more desirable for these spouses.

An elevator is a necessity for a senior housing facility. Based on analysis, an elevator must service at least 50 units to economically viable. To accommodate the 50 units, the proposed structure must be 45 feet tall and situated 15 feet from the property line. The unit sizes are 1 bedroom and studios between 325-420 sf, which is smaller than average. It is not feasible to decrease the size of these units. The geometry associated with fitting these units between the existing buildings with an access stairway places the front of the existing building 15 feet from the property line.

The addition units will increase the density of the PRD closer to the density originally proposed for this development. To accommodate the City of Lynden parking requirements, the Open Space must be reduced to 25% to provide the necessary parking spaces. Bender Fields and a community garden are across the street, which compose nearly 40 acres of open space.

7. Christian Health Care Center

The Christian Health Care Center is a skilled nursing medical facility located on Lots 3, A & B of the 2nd Amendment of the R.B. Development Division No. 1 (AF #960523070) subject to the below setback requirements:

Table 3. Original Christian Health Care Center PRD Requirements

HOUSING TYPE	FRONT	SIDE	REAR	HEIGHT	PARKING
Assisted Care Facility	90	25	180	45	1 per 4 units + one per employee

There are no changes to the above proposed requirements as part of this PRD Revision.

8. Lynden Manor

The Lynden Manor is an assisted living facility located on Lot C of the 2nd Amendment of the R.B. Development Division No. 1 (AF #960523070) subject to the below setback requirements:

Table 4. Original Lynden Manor PRD Requirements

HOUSING TYPE	FRONT	SIDE	REAR	HEIGHT	PARKING
Assisted Care Facility	90	25	180	45	1 per 4 units + one per employee

The facility will be permitted to be built with the parking as noted on Exhibit A, dated 9/9/94, with the understanding that the “Garden Pea Patch” could be converted to parking if deemed necessary by the Public works Department. No other changes to the above proposed requirements are part of this PRD Revision.

9. Lynden Manor Townhomes

The Lynden Manor Townhomes are condominiums located on Lot D of the 2nd Amendment of the R.B. Development Division No. 1 (AF #960523070) are subject to the below setback requirements:

Table 5. Original Lynden Manor Townhomes PRD Requirements

HOUSING TYPE	FRONT	SIDE	REAR	HEIGHT	PARKING
Townhouse Units	20	10	20	35	2 per unit

0’ lot lines for interior lot lines will be allowed in the townhouse portion of the development. No other changes to the above proposed requirements are part of this PRD Revision.

10. Heritage Park Estates Condominium

The Heritage Park Estates are condominiums locates on 20 lots of the Plat of Heritage Park (AF# 960711180) subject to the below setback requirements:

Table 6. Original Heritage Park Estates Condominiums PRD Requirements

HOUSING TYPE	FRONT	SIDE	REAR	HEIGHT	PARKING
Heritage Park Condos	20	10 ¹	15	30/35 ²	2 per unit

1. Side setbacks are for each side from the eaves of the living area to property line. Side setbacks from garage eaves to property line may be five feet, and both sides may be five feet if both sides of the unit are garages.
2. Height limit for condominium structures 1-8 is 30 feet. All other four-plex condominium units have a 35-foot height limit.

A community clubhouse was constructed and shall be open to all residents of the Heritage Park portion of the PRD. No other changes to the above proposed requirements are part of this PRD Revision.

12. Common Development Requirements

The following section discusses the common development and redevelopment requirements of the PRD. Most of the developable area of the PRD has been built out, but it is possible for additional infill projects and redevelopment to continue in the future.

a. Water and Sewer.

1. All improvements to sewer and water are subject to the City's Water and Sewer Comprehensive Plans.
2. If additional water and sewer mains are installed within the PRD and off-site, and accepted by the City, the City will receive ownership of the improvements, together with appropriate easements where such lines are located on private property.
3. The City will be granted the necessary easements, to permit access for the purpose of maintaining and servicing City utility lines. In the event a water or sewer main, that crosses a private street, open space, or green belt, must be serviced, repaired, or replaced, the City will complete the repairs or replacement and back fill the area with the appropriate materials, and will attempt to restore the affected area to its original condition, provided however, that the City will not be responsible for removing or replacing any structures or trees placed in such an area.
4. The PRD is subject to the same utility fees and charges as those charged to all residents and developers within the City of Lynden in effect at the time of building permit application.
5. All utility plans must be submitted to and approved by the City of Lynden Public Works, and Fire Departments. Plans for each parcel must be submitted and approved prior to construction or to the issuance of a building permit.
6. No occupancy permits will be issued until all the utilities for the buildings to be occupied are installed as per approved plans, and after all utilities and as-built drawings have been accepted by the City.

b. Storm Water Drainage.

The City of Lynden has adopted, by ordinance, the *Stormwater Management Manual for Western Washington amended in 2014*. The City has also adopted a Stormwater Management Plan that includes this area. The drainage and erosion control plan for this project will be required to meet or exceed all specifications and requirements of these documents. This plan would identify and address specific stormwater conveyance and/or flooding issues, as well as the related water quality issues.

c. Transportation

When necessary, the developer will install street, curb, gutter, sidewalks, and street lighting, as per City standards outlined in the City's Project Manual for Engineering Design and Development Standards. All private streets within the development must meet the following requirements:

1. All private streets must be a minimum of 33' between curbs,

2. Sidewalks are to be installed on one side of the street. Sidewalks must meet the minimum requirements of the Project Manual for Engineering Design and Development Standards.
3. Street cleaning, maintenance, snow removal, equipment and personnel will be responsibility of the Homeowner's Association. At no time will this responsibility be transferred to the City of Lynden. These terms should be addressed in the development's covenants, and reviewed by the City.
4. Lynden Police and Fire Departments, Emergency Services, Public Works and Building Officials must be allowed full access to all private streets, and retain their enforcing powers where applicable.
5. All pavement markings and pedestrian crossings must be to Washington State Department of Transportation standards and maintained adequately and at all times by the Homeowner's Association to ensure safety.
6. The City will be granted a lifetime ingress/egress agreement, to all private streets, for the maintenance and service of city owned utilities.
7. Maintenance of all dead-end, private streets will be subject to the Uniform Fire and Building Codes, to ensure the proper access for emergency vehicles and equipment.
8. Rolled-curbs may be used in place of standard curb construction on the James Circle cul-de-sac to avoid numerous curb cuts, as many driveways were proposed for the area under the following conditions:
 - a. That Aaron Drive be constructed with a three-foot grass planter strip.
 - b. That no roll-type curbs be allowed on Aaron Drive.
 - c. The roll-type curbs be permitted only on the outside perimeter of the James Circle cul-de-sac.

d. Street Lighting

Proper and adequate street lighting will be required throughout the development. All lighting shall be in accordance with the WSDOT Traffic Manual M51-02 and the City's Draft Project Manual for Engineering Design and Development Standards.

e. Signs

Signs within the development will be as per the signage plan to be submitted by the Developers and subject to the approval of the Director of Public Works. All street signing will be in accordance with the current edition of the Manual of Uniform Traffic Control Devices. Street signs will be installed at the Developers' expense.

f. Open Space

1. The covenants of the PRD will clearly indicate the Homeowners Association's perpetual responsibility for the maintenance and upkeep of all private open space areas.
2. A permanent private open space easement shall be granted over the private open space shown and approved on **Exhibit "A"** to all residents of the PRD, to ensure preservation and maintenance of the open space, and to guarantee the area remain perpetually in recreational use.

3. Private open space shall be maintained at or above 40 percent of the site. This figure will be calculated on the basis of gross acreage minus the park dedication. This amount is equal to 11.5 acres (40% of 29.1 acres). Parking areas do not count as open space.

g. Covenants, Conditions, and Restrictions.

The covenants, conditions, and restrictions will be submitted to the city, and after city review and approval, will be recorded, and placed in force upon the property covered by this plan and will not be altered or amended without consent of the City, through the PRD hearing process as set out in Section 19.29.050 of the Lynden Municipal Code.

h. Building and Land Use

1. All building setbacks are measured from the building extreme to the property line. In the case of development on private streets, setbacks will be measured from the back of curb or sidewalk, whichever is more restrictive. All structures must be a minimum of 100 feet from the centerline of the East Badger Road.
2. No building variances will be allowed.
3. The apartment units in Area B as designated on Exhibit "A" must be provided with a minimum of 32 square feet of storage space per unit. This storage may be located either within the building or within a building elsewhere on the site.

i. Landscaping.

1. Maintenance and provision of all landscaping, open space and green space must be by the Homeowner's Association and set forth in development covenants and restrictions. At no time will this responsibility revert to the City of Lynden.
2. Landscape designs must be submitted to the Public Works Department for approval, prior to the commencement of each phase. Landscaping must be completed and established for each phase before approval of the next phase. Adequate berms and split rail fencing, must be included in the landscaping plan, including, but not limited to the northern boundary along the East Badger Road.
3. A landscape berm on Vinup Road must be approved by the Public Works Department and installed, at the Developers' expense, prior to the completion of Phase 1.
4. The current landscaping theme of Homestead Northwest on Bender Road must be extended. This includes berms, and the installation of trees and other vegetation.

j. Shoreline Permit.

1. Shoreline Substantial Development Permit #94-1 has been approved. Based on the approved site plan (**Exhibit "A"**), no variance is required.
2. The Developers must meet all other requirements of the Washington State Department of Ecology, Shorelines Division for approval of the Shoreline Permit #94-1.

3. There must be a minimum twenty-five-foot riparian zone measured from the OHWM on both sides of the creek. This riparian zone has been dedicated to the city. The Developer has made previous vegetation improvements to the Fishtrap Creek corridor.
4. The riparian zone is fenced. The fence for the western side of the creek, Heritage Park Dedication Site, will be maintained by the City in conjunction with normal park maintenance. The fence for the eastern side of the creek, Heritage Park Development site, will be maintained by the Homeowner's Association.

k. Impact Fees.

1. This development will be subject to all impact fees adopted by the Lynden City Council on September 6, 1994, including both portions of Park and Fire impact fees.

l. Miscellaneous Items.

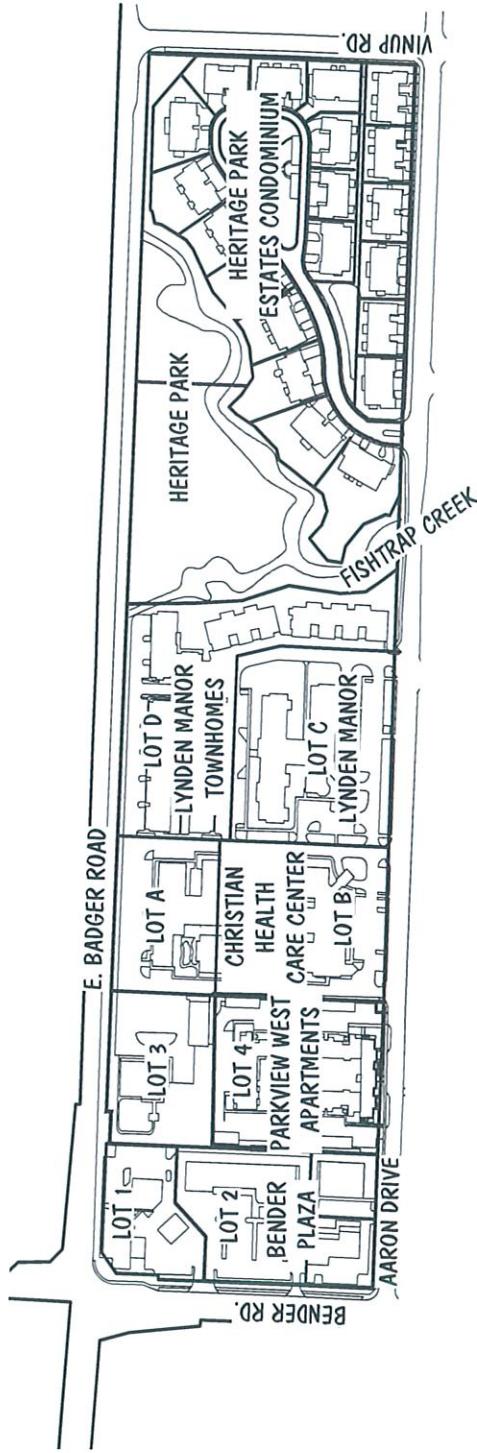
1. Parcel sizes may not be altered more than 5% from the preliminary plan.
2. Single family use may not change to multi-family use. However, multi-family use may be changed to single family use. No change of use will be permitted without holding a public hearing as specified in Lynden Municipal Code Chapter 19.29.050.
3. This development, and all buildings therein, are subject to all building and fire codes. All building permit applications and final site plan approval will be subject to review for compliance with these codes. Any building and development issues are subject to all building and fire codes and existing city ordinances, unless specified otherwise in this contract.



RB DEVELOPMENT AND HERITAGE PARK - PRD #94-1 PLANNED RESIDENTIAL DEVELOPMENT MAP

SITUATE IN A PORTION OF THE OF THE NORTH 1/2 OF THE NORTHWEST
1/4 OF SECTION 16, TOWNSHIP 40 NORTH, RANGE 3, W.M., CITY OF
LYNDEN, WHATCOM COUNTY, WASHINGTON

PACIFIC SURVEY & ENGINEERING INC
909 SQUALITUM WAY-SUITE 111-BELLINGHAM, WA 98225 PHONE:360.671.7387 FAX:360.671.4685
EMAIL: info@psurvey.com
WWW.PSESURVEY.COM



GRAPHIC SCALE
(in survey feet)



NOTE: THIS MAP WAS PREPARED USING AERIAL IMAGERY
AND GIS PARCEL INFORMATION. IT DOES NOT REPRESENT
A SURVEY AND NO GROUND OR BOUNDARY SURVEY WAS
PERFORMED.

SHEET 1/5

9/30/2019

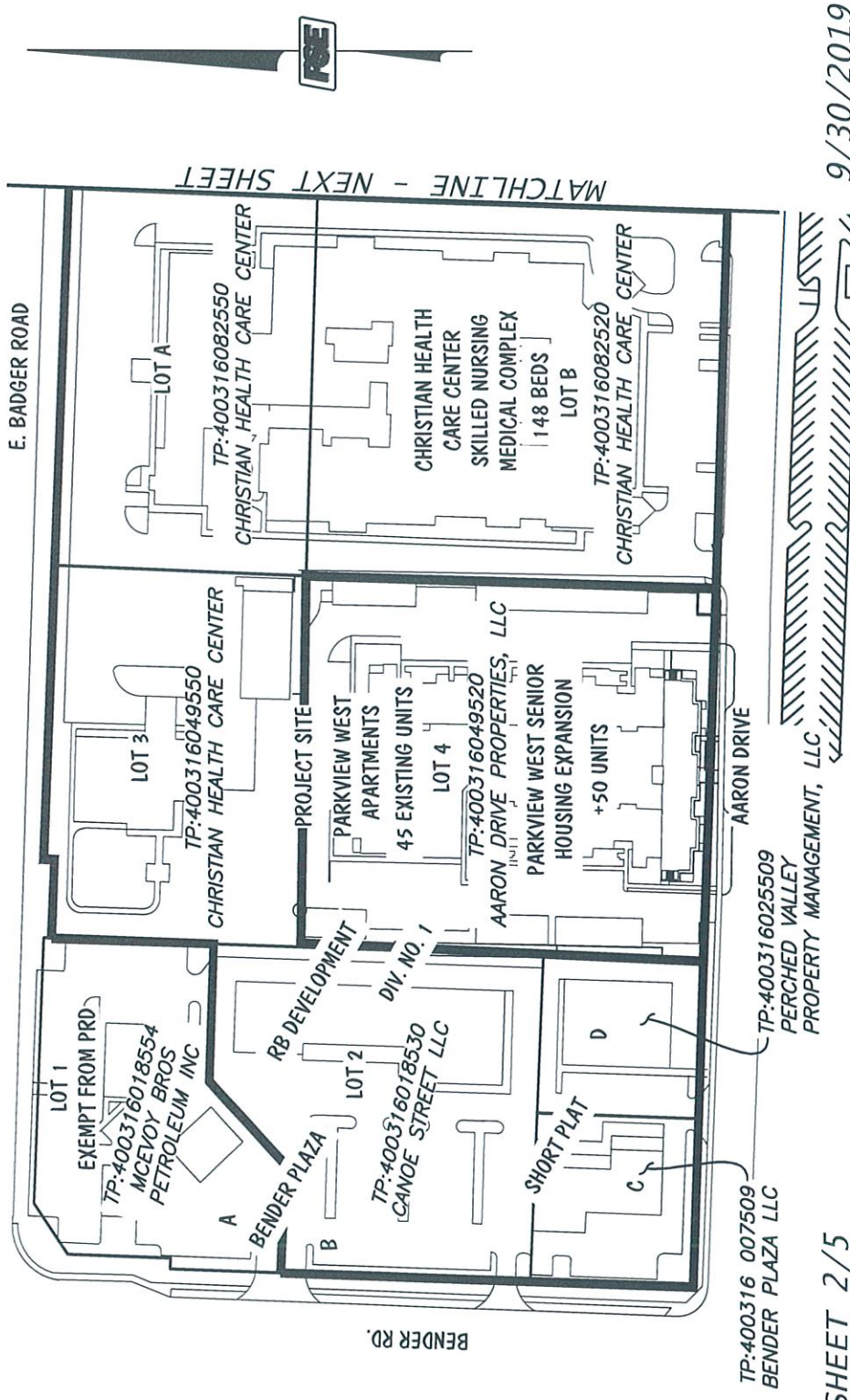
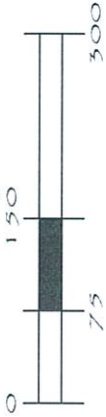


PACIFIC SURVEY & ENGINEERING INC
909 SQUALICUM WAY SUITE 111 BELLINGHAM, WA 98225 PHONE: 360.671.7387 FAX: 360.671.4685
EMAIL: info@psurvey.com WWW: psurvey.com

RB DEVELOPMENT AND HERITAGE PARK - PRD #94-1 PLANNED RESIDENTIAL DEVELOPMENT MAP

SITUATE IN A PORTION OF THE OF THE NORTH 1/2 OF THE NORTHWEST
1/4 OF SECTION 16, TOWNSHIP 40 NORTH, RANGE 3, W.M., CITY OF
LYNDEN, WHATCOM COUNTY, WASHINGTON

GRAPHIC SCALE
(in survey feet)



MATCHLINE - NEXT SHEET

9/30/2019

SHEET 2/5

TP-400316 007509
BENDER PLAZA LLC

TP-400316025509
PERCHED VALLEY
PROPERTY MANAGEMENT, LLC

TP-400316049520
AARON DRIVE PROPERTIES, LLC

TP-400316082550
CHRISTIAN HEALTH CARE CENTER

TP-400316082520
CHRISTIAN HEALTH CARE CENTER

TP-400316018554
MCEVOY BROS
PETROLEUM INC

TP-400316018530
CANOE STREET LLC

CHRISTIAN HEALTH
CARE CENTER
SKILLED NURSING
MEDICAL COMPLEX
148 BEDS

PARKVIEW WEST
APARTMENTS
45 EXISTING UNITS

PARKVIEW WEST SENIOR
HOUSING EXPANSION
+50 UNITS

LOT 3
TP-400316049550
CHRISTIAN HEALTH CARE CENTER

PROJECT SITE

RB DEVELOPMENT
DIV. NO. 1

LOT 2
BENDER PLAZA

SHORT PLAT
C

D

AARON DRIVE

E. BADGER ROAD

BENDER RD.

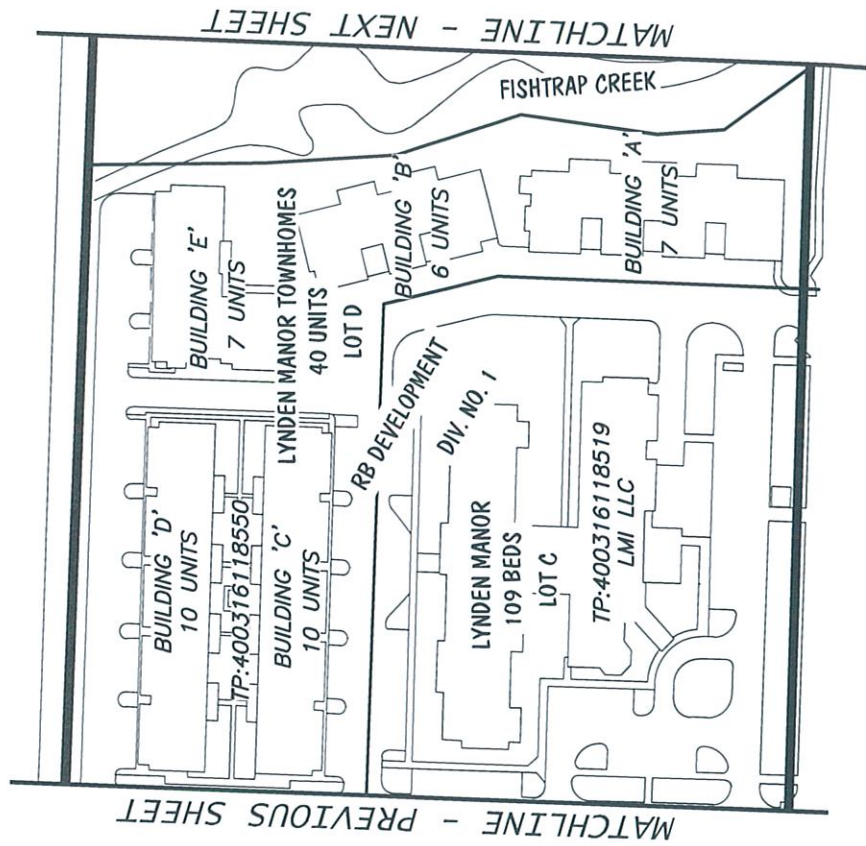
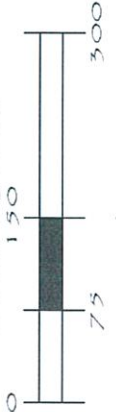


PACIFIC SURVEY & ENGINEERING INC
909 SQUALICUM WAY SUITE 111 BELLINGHAM, WA 98225 PHONE: 360.671.7387 FAX: 360.671.4685
EMAIL: info@pseurvey.com www.psesurvey.com

**RB DEVELOPMENT AND HERITAGE PARK - PRD #94-1
PLANNED RESIDENTIAL DEVELOPMENT MAP**

SITUATE IN A PORTION OF THE NORTH 1/2 OF THE NORTHWEST
1/4 OF SECTION 16, TOWNSHIP 40 NORTH, RANGE 3, W.M., CITY OF
LYNDEN, WHATCOM COUNTY, WASHINGTON

GRAPHIC SCALE
(as survey feet)



SHEET 3/5

9/30/2019



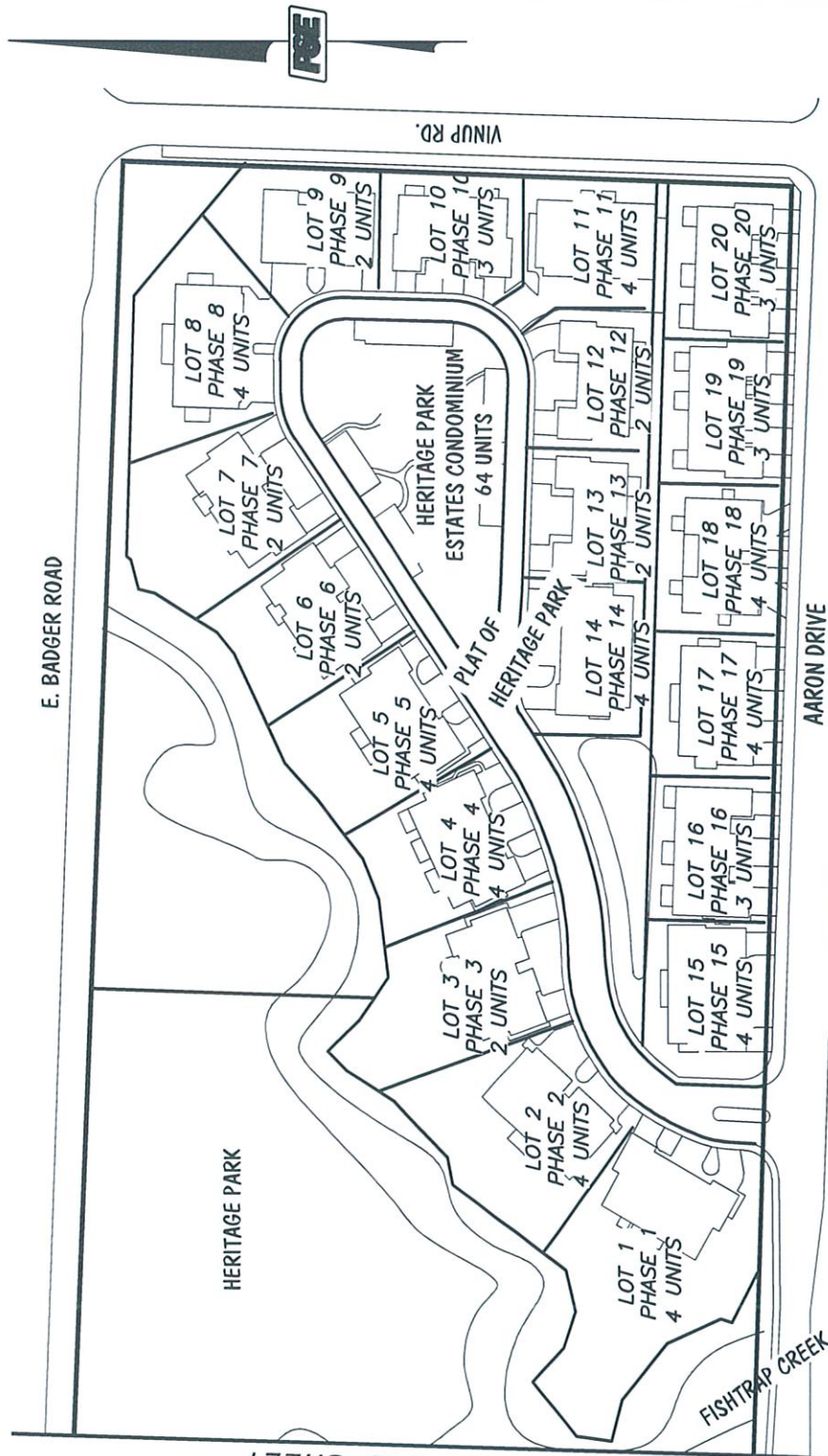
RB DEVELOPMENT AND HERITAGE PARK - PRD #94-1 PLANNED RESIDENTIAL DEVELOPMENT MAP

SITUATE IN A PORTION OF THE OF THE NORTH 1/2 OF THE NORTHWEST
1/4 OF SECTION 16, TOWNSHIP 40 NORTH, RANGE 3, W.M., CITY OF
LYNDEN, WHATCOM COUNTY, WASHINGTON

GRAPHIC SCALE
(as surveyed feet)



PACIFIC SURVEY & ENGINEERING INC
909 SQUALITUM WAY, SUITE 111, BELLINGHAM, WA 98225 PHONE: 360.671.7387 FAX: 360.671.4685
EMAIL: info@psurvey.com www.psurvey.com



MATCHLINE - PREVIOUS SHEET

SHEET 4/5

9/30/2019



PACIFIC SURVEY & ENGINEERING INC
 909 SQUALICUM WAY SUITE 111 BELLINGHAM, WA 98225 PHONE: 360.671.7387 FAX: 360.671.4685
 EMAIL: info@psurvey.com www.psurvey.com

RB DEVELOPMENT AND HERITAGE PARK - PRD #94-1
 PLANNED RESIDENTIAL DEVELOPMENT MAP

Heritage Park Estates Condominium	Units
Lot 1	4
Lot 2	4
Lot 3	2
Lot 4	4
Lot 5	4
Lot 6	2
Lot 7	2
Lot 8	4
Lot 9	2
Lot 10	3
Lot 11	4
Lot 12	2
Lot 13	2
Lot 14	4
Lot 15	4
Lot 16	3
Lot 17	4
Lot 18	4
Lot 19	3
Lot 20	3
Total	64

Lynden Manor Townhomes	Units
Building 'A'	7
Building 'B'	6
Building 'C'	10
Building 'D'	10
Building 'E'	7
Total	40
Lynden Manor	109
Parkview West Apartments	45
Total Existing Units	258
Proposed Parkview Senior Housing Expansion	50
Total Unit Count	308
Original PRD Proposal	437

	PRD Area (in square feet)
Gross PRD area	1,540,594
Reserve tracts (open space dedications)	273,434
Critical areas including buffers	337,514
Public Right of ways (ROWS)	0
Other infrastructure	110197
Net developable	942006
Percent ROW and Infrastructure	12%

RB Development and Heritage Park
PRD # 94 - 1
Development Contract

1. Identification of Parties.

This is a plan for a Planned Residential Development submitted to the City of Lynden (hereinafter called "Lynden" or "City") by the following individuals:

Dr. Larry Campbell	9418 Weidkamp Road,	Lynden, WA 98264
Robert Kildall	9464 Axlund Road,	Lynden, WA 98264
Mike Lewis	932 E Front Street,	Lynden, WA 98264
Monte Maberry	8680 Weidkamp Road,	Lynden, WA 98264
Chuck Price	607 Loomis Trail Road,	Lynden, WA 98264

(hereinafter called the "Developers").

Vol: 424 Page: 1275
 File No: 941227078

2. Identification of Authority.

This preliminary plan is submitted to the City under the authority of Lynden Municipal Code Chapter 19.29. The hearing required by LMC 19.29.050 has been held by the City. The Planning Commission held public hearings on the following dates:

April 14, 1994, 7:30 P.M.
 May 25, 1994, 7:30 P.M.
 June 9, 1994, 7:30 P.M.

The City Council held public hearings on the following dates:

August 22, 1994, 7:45 P.M.
 September 19, 1994, 8:15 P.M.

The signatures of the Mayor and Public Works Director of the City attest to the approval of this preliminary plan by the City Council.

3. Identification of Documents.

The following documents are referred to in this plan and are incorporated in this plan as though fully set forth.

- a. Mitigated Determination of Nonsignificance prepared and advertised by the City, dated April 20, 1994.
- b. Covenants, Conditions, and Restrictions (to be completed prior to execution of this development contract)
- c. Transportation Study (to be completed within 90 days of execution of contract)
- d. Site Plan Revision #4, dated September 9, 1994, referred to herein as **Exhibit "A."**

- e. Shoreline Permit #94-1
- f. All documents of record from all public hearings.
- g. Ordinance #933, granting Rezone #93-2 for 38.5 acres RM 3 zoning and 1.5 acres CS-2 zoning.

4. Project Description.

RB Development and Heritage Park will be a planned residential community with a community clubhouse in the Heritage Park Development and other open space in the RB Development. The project includes approximately 28.7 acres of undeveloped land within the City of Lynden this is, not inclusive of the 6.7 acre parcel dedicated to the City of Lynden prior to the execution of this contract. The site lies between Bender Road on the west, Vinup Road on the east and East Badger Road to the north. The development plan calls for PRD applications necessary to permit the preservation of open space area along with a development mix of multi-family and condominium type housing, together with an assisted care facility and townhouse units.

The plan for this development divides the land uses as follows:

Area	Land Use	Unit Count	Acreage
A.	Future Residential Development	40	1.7
B.	Apartment Units (32-44 Units/Bldg.)	152	8.7
C.	Assisted Care Facility	110	3.6
D.	Town House Units	47	4.9
E.	4-Plex Condominiums	88	9.8
Total		437 units	28.7 acres

5. Development Schedule.

The following schedule of development is submitted as the Developer's best estimate at this time. The purpose of this phasing schedule is to ensure construction of the appropriate infrastructure (roads, water, sewer, and drainage) in coordination with the construction of residential units. A number of factors could slow down, accelerate, or change the order of this schedule. These factors include: market changes, permit processes, financing and other issues that may become evident in the future.

<u>Phase</u>	<u>Content</u>	<u>Timeframe</u>
<u>Phase 1</u>	<u>Utilities & Site Preparation</u>	<u>1994-1995</u>
	Road Construction	
	Applications for hydraulics permit for bridge construction.	
	One Apartment Structure	
	Begin construction of 4-plex Condominium units	

<u>Phase 2</u>	<u>Apartment Structures</u> Continue construction of apartment structures Continue 4-plex Condominium construction Begin Construction of Town House units Begin Assisted Care Facility Fishtrap Creek Bridge installation Road improvements complete Begin Construction of Heritage Park Condominium Clubhouse	<u>1995</u>
<u>Phase 3</u>	<u>Commercial Development</u> Continue construction of apartment structures Complete Construction of Town House Units Continue 4-plex Condominium construction Complete Assisted Care Facility	<u>1996</u>
<u>Phase 4</u>	<u>Complete 4-plex Condominiums</u> Continue construction of apartment structures	<u>1997</u>
<u>Phase 5</u>	<u>Continue construction of apartment structures</u>	<u>1998</u>
<u>Phase 6</u>	<u>Continue construction of apartment structures</u>	<u>1999</u>

This timeframe is estimated, but not obligatory. All infrastructure for a given phase must be completed, or bonded for, prior to final approval and construction of any units.

6. Parcel Development Restrictions.

This contract is considered the Parcel Development Restrictions for this project. This document provides the guidelines and restrictions for the development of the parcel described in the attached exhibits. The map designating the parcels so restricted is attached hereto as **Exhibit "A."** The legal description for the said property will be attached as **Exhibit "B."** The planting list for the riparian zone will be attached as **Exhibit "C."** These documents will be used to determine conformance of the final plan to the preliminary plan pursuant to LMC 19.29.060.

7. Water and Sewer.

Water and sewer lines shall be installed on Bender Road, Vinup Road and Aaron Drive, as well as other locations necessary to serve this development, at the Developers' expense according to the City of Lynden's Water and Sewer comprehensive plan, and the mitigated determination of nonsignificance to which reference is made herein, with the following additions and exceptions:

Vol: 424 Page: 1277
 File No: 941227078

a. All improvements to sewer and water are subject to the City's Water and Sewer Comprehensive Plans. Analysis is being undertaken to determine final sizing of the required water and sewer improvements.

b. After water and sewer mains have been installed within the PRD and off-site, and accepted by the City, the City will receive ownership of the improvements, together with appropriate easements where such lines are located on private property.

c. The City will be granted the necessary easements, to permit access for the purpose of maintaining and servicing City utility lines. In the event a water or sewer main, that crosses a private street, open space, or green belt, must be serviced, repaired, or replaced, the City will complete the repairs or replacement and back fill the area with the appropriate materials, and will attempt to restore the affected area to its original condition, provided however, that the City will not be responsible for removing or replacing any structures or trees placed in such an area.

d. The PRD is subject to the same utility fees and charges as those charged to all residents and developers within the City of Lynden in effect at the time of building permit application.

e. All utility plans must be submitted to and approved by the City of Lynden Public Works, and Fire Departments. Plans for each parcel must be submitted and approved prior to construction or to the issuance of a building permit.

f. No occupancy permits will be issued until all the utilities for the buildings to be occupied are installed as per approved plans, and after all utilities and as-built drawings have been accepted by the City.

8. Storm Water Drainage.

The City of Lynden has adopted, by ordinance, the *Puget Sound Best Management Practices for Stormwater Management*. The City has also adopted a Stormwater Management Plan that includes this area. The drainage and erosion control plan for this project will be required to meet or exceed all specifications and requirements of these documents. This plan would identify and address specific stormwater conveyance and/or flooding issues, as well as the related water quality issues.

a. The Developer is required to apply for a stormwater permit as per the Department of Ecology regulations (Federal Regulations 40 CFR Parts 122-124, November 16, 1990, and Section 402(P) of the Federal Clean Water Act).

b. A Basin Drainage Study is currently in progress, being completed by the Developers, and must be approved by the Public Works Department prior to final approval of this development plan. Management of the stormwater from this site may be

handled on-site or in a off-site regional detention facility at the discretion of the City of Lynden.

9. Transportation.

A Traffic Impact Analysis shall be completed by David Evans and Associates. The Developer will provide the necessary funds in an escrow account to be controlled by the City of Lynden. The following contributions to intersection improvements are based on the conclusions of an analysis done by the Developers' agent. The contributions noted below may be altered based on the conclusions of analysis completed by the traffic engineer. The City will determine the final mitigation amount, if disagreement over the contribution arises. All pro-rata contributions are to be collected at the time of signalization or improvement project initiation and may be paid in a single cash payment.

a. The Developers will provide a prorata contribution towards the future signal installation at the intersection of SR 546, East Badger Road and SR 539, Guide Meridian, in the amount of 6.1% of the intersection improvement costs.

b. The Developers will provide a prorata contribution towards the future signalization at the intersection of Main Street and Depot Road in the amount of 8.5% of the intersection improvement costs.

c. The Developers will provide a prorata contributions toward the future signalization of Main Street and SR 539, Guide Meridian, in the amount of 4.2% of the intersection improvement costs.

d. Developer will install street, curb, gutter, sidewalks, and street lighting, as per City standards outlined in the City's Draft Project Manual for Engineering Design and Development Standards. Cost recovery fees may be applied to future development surrounding the project, excluding any property the city may own at the time of this contract.

e. James Drive and Campbell Court will be considered private streets. These streets and all private streets within the development must meet the following requirements:

1. All private streets must be a minimum of 33' between curbs,
2. Sidewalks are to be installed on one side of the street. Sidewalks must meet the minimum requirements of the Draft Project Manual for Engineering Design and Development Standards.
3. Parking will be allowed on one side of the street. *No Parking* signs must be posted on the other side of the street and maintained by the Homeowner's Association.
4. Street cleaning, maintenance, snow removal, equipment and personnel will be the responsibility of the Homeowner's Association. At no time will this responsibility be transferred to the City of Lynden.

These terms should be addressed in the development's covenants, and reviewed by the City.

5. Lynden Police and Fire Departments, Emergency Services, Public Works and Building Officials must be allowed full access to all private streets, and retain their enforcing powers where applicable.
6. All pavement markings and pedestrian crossings must be to Washington State Department of Transportation standards and maintained adequately and at all times by the Homeowner's Association to ensure safety.
7. The City will be granted a lifetime ingress/egress agreement, to all private streets, for the maintenance and service of city owned utilities.
8. Maintenance of all dead-end, private streets will be subject to the Uniform Fire and Building Codes, to ensure the proper access for emergency vehicles and equipment.
9. No rolled curbs will be permitted on private streets.

f. The Developer will be required to contribute 50% of the total road and infrastructure improvement costs for Bender Road and Vinup Road for that area abutting this project. Improvement costs are based on an engineer's estimate for cost of required improvements. This contribution may be paid in the form of cash, bond or a letter of credit and will be phased as follows (see Section 5 for phasing detail):

- 50% of the total developer's cost to be paid at time of approval of Phase 1 development plans by the Public Works Department
- 25% of the total developer's cost to be paid at time of approval of Phase 2 development plans by the Public Works Department
- 25% of the total developer's cost to be paid at time of approval of Phase 3 development plans by the Public Works Department

Developers will also be permitted to construct the improvements and establish cost recovery fees as permitted under State law. However, all construction plans must be approved by the City prior to construction approval. In the event that development occurs in the surrounding area, or the development of the commercial parcel, (1.5 acres located in the NW corner of this development, approved by Rezone # 93-2), occurs prior to approval of Phase 3, the balance must be paid in full. The Developer will be required to dedicate the necessary right-of-way on Bender Road and Vinup Road, on the side abutting this project, to ensure that there is adequate right-of-way for these improvements.

g. The bridge crossing Fishtrap Creek on Aaron Drive must be completed during Phase 2. The Developer must obtain a hydraulics permit. No final development approval for Phase 3 will be given until the bridge has been installed by the Developer.

h. Turn lanes must be provided on Vinup Road to Aaron Drive, subject to the engineered traffic study illustrating the need for such.

Vol: 424 Page: 1286
File No: 941227078

i. All access points from the East Badger Road must be permitted by the Washington State Department of Transportation. The two existing points of access must be improved and continuing access permits ensured. The Developers will provide either a permanent easement or land dedication to ensure that access to the park dedication area is available from the western access point.

10. **Street Lighting.**

Proper and adequate street lighting will be required throughout the development. All lighting shall be in accordance with the WSDOT Traffic Manual M51-02 and the City's Draft Project Manual for Engineering Design and Development Standards.

11. **Signs.**

Signs within the development will be as per the signage plan to be submitted by the Developers and subject to the approval of the Director of Public Works. All street signing will be in accordance with the current edition of the Manual of Uniform Traffic Control Devices. Street signs will be installed at the Developers' expense.

12. **Open Space.**

a. The covenants of the PRD will clearly indicate the Homeowners Association's perpetual responsibility for the maintenance and upkeep of all private open space areas.

b. A permanent private open space easement shall be granted over the private open space shown and approved on Exhibit "A" to all residents of the PRD, to ensure preservation and maintenance of the open space, and to guarantee the area remain perpetually in recreational use.

c. Private open space shall be maintained at or above 40 percent of the site. This figure will be calculated on the basis of gross acreage minus the park dedication. This amount is equal to 11.5 acres (40% of 28.7 acres). Parking areas do not count as open space.

d. Playground equipment shall be installed in the private open space prior to the completion of each phase. Plans including the type of equipment and installation must be approved by the City administration.

13. **Covenants, Conditions, and Restrictions.**

The covenants, conditions, and restrictions will be submitted to the city, and after city review and approval, will be recorded, and placed in force upon the property covered by this plan and will not be altered or amended without the consent of the City, through the PRD hearing process as set out in Section 19.29.050 of the Lynden Municipal Code.

14. Building and Land Use.

a. All building setbacks are measured from the building extreme to the property line. In the case of development on private streets, setbacks will be measured from the back of curb or sidewalk, whichever is more restrictive. Building setbacks for structures illustrated on Exhibit "A" are as follows:

HOUSING TYPE	FRONT	SIDE	REAR	HEIGHT	PARKING
Heritage Park Condos ^①	20	10 ^①	15	30/35 ^③	2 per unit
RB Development Apts.	45	45	45	45	2/unit ≤ 25 units 1.5/unit > 25 units
Assisted Care Facility	90	25	180	45	1 per 4 units + one per employee ^②
Townhouse Units ^④	-20	10 ^⑤	20	35	2 per unit

① Side setbacks are for each side from the eaves of the living area to property line. Side setbacks from garage eaves to property line may be five feet, and both sides may be five feet if both sides of the unit are garages.

② The facility will be permitted to be built with the parking as noted on Exhibit A, dated 9/9/94, with the understanding that the "Garden Pea Patch" could be converted to parking if deemed necessary by the Public Works Department.

③ Height limit for condominium structures 1-8 is 30 feet. All other four-plex condominium units have a 35 foot height limit.

④ All four-plex condominium structures must be setback a minimum of 70 feet from the OHWM of Fishtrap Creek and all townhouse units must be setback a minimum of 100 feet from the OHWM of Fishtrap Creek.

⑤ 0' lot lines for interior lot lines will be allowed in the townhouse portion of the development.

Note: All structures must be a minimum of 100 feet from the centerline of the East Badger Road.

b. All buildings must be placed within the designated building envelopes as shown on Exhibit "A."

c. No building variances will be allowed.

d. Development plans for the Future Development Site must be submitted to the Planning Commission and City Council, through the PRD hearing process (Lynden, Municipal Code 19.29.050), prior to approval of this phase. Any further conditions or restrictions will be considered an addendum to this contract.

e. The Developers agree to establish covenants to allow neighbors normal farming practices including late hours, noise, smells, flies, pesticides etc. and all owners, renters and tenants will be required, by the Developers, to sign an acknowledgment of said covenant.

f. A City Council and/or a Planning Commission member shall be a voting member of the development's building design review board.

g. The 1.5 acres of commercially zoned property is to be located on the northwest corner of the property as shown in the original rezone proposal.

h. The apartment units in Area B as designated on Exhibit "A" must be provided with a minimum of 32 square feet of storage space per unit. This storage may be located either within the building or within a building elsewhere on the site.

15. Landscaping.

a. Maintenance and provision of all landscaping, open space and green space must be by the Homeowner's Association and set forth in development covenants and restrictions. At no time will this responsibility revert to the City of Lynden.

b. Landscape designs must be submitted to the Public Works Department for approval, prior to the commencement of each phase. Landscaping must be completed and established for each phase before approval of the next phase. Adequate berms and split rail fencing, must be included in the landscaping plan, including, but not limited to the northern boundary along the East Badger Road.

c. A landscape berm on Vinup Road must be approved by the Public Works Department and installed, at the Developers' expense, prior to the completion of Phase 1.

d. The current landscaping theme of Homestead Northwest on Bender Road must be extended. This includes berms, and the installation of trees and other vegetation.

16. Community Clubhouse Facility.

The community clubhouse proposed in the Heritage Park Development must be constructed by the time 50 % of the lots in the Heritage Park Development have been issued building permits. This clubhouse will be open to all residents of the Heritage Park portion of the PRD.

17. Shoreline Permit.

a. Shoreline Substantial Development Permit #94-1 has been approved. Based on the approved site plan (Exhibit "A"), no variance is required.

b. The Developers must meet all other requirements of the Washington State Department of Ecology, Shorelines Division for approval of Shoreline Permit #94-1.

c. There must be a minimum twenty five foot riparian zone measured from the OHWM on both sides of the creek. This riparian zone has been dedicated to the city. The Developer has made previous vegetation improvements to the Fishtrap Creek corridor. Additional vegetation described in Exhibit "C" attached will be completed in accordance with Dedication Agreement.

d. In accordance with the Dedication Agreement, the Developers must restore the creek area to its natural state, including the planting of naturally occurring, and protective vegetation, at the Developers' cost. This improvement will include the work completed prior to this development application and the planting of vegetative materials including alder trees, willow trees, snowberries, and wild roses. Other plantings approved by the Department of Ecology will also be allowed.

e. The riparian zone will be identified and marked with permanent posts and sign with lettering a minimum of 4 inches tall at the Developers' expense. The distance between these signs will be determined by the Public Works Department prior to final approval.

f. The riparian zone must be fenced with chain link fencing materials, a minimum of six feet in height, at the Developers' cost. The fence for the western side of the creek, Heritage Park Dedication Site, will be maintained by the City in conjunction with normal park maintenance. The fence for the eastern side of the creek, Heritage Park Development Site, will be maintained by the Homeowner's Association.

18. Impact Fees

a. This development will be subject to all impact fees as adopted by the Lynden City Council of September 6, 1994, including both portions of Park and Fire Impact Fees.

19. Miscellaneous Items.

a. Parcel sizes may not be altered more than 5% from the preliminary plan.

b. Single family use may not change to multi-family use. However, multi-family use may be changed to single family use. No change of use will be permitted without holding a public hearing as specified in Lynden Municipal Code Chapter 19.29.050.

d. This development, and all buildings therein, are subject to all building and fire codes. All building permit applications and final site plan approval will be subject to review for compliance with these codes. Any building and development issues are subject

to all building and fire codes and existing city ordinances, unless specified otherwise in this contract.

e. Unused densities or units cannot be transferred to other parcels without approval through the PRD hearing process as established in the Lynden Municipal Code Chapter 19.29.050.

f. The total number of units for the RB Development and Heritage Park PRD shall not exceed 397 units, plus 40 units identified within the future development area, for a total of 437 units.

g. A rezone, to CS 2, may be initiated by the developer, for the area designated for future development. If approved, this rezone will remove 1.7 acres from the PRD and the total unit count will not exceed 397 for the entire site.

h. The area currently zoned for commercial uses is not to include a gas station; it is to be planned as a neighborhood service area for the development with uses as approved by the Planning Commission and City Council under the approval conditions for Rezone #93-2. These uses include a small convenience store, personal services (beauty/barber shop), mini-storage, or laundromats.

WHATCOM COUNTY
AUDITOR'S NOTE:
Notary Signature
and Seal Omitted

WHATCOM COUNTY
AUDITOR'S NOTE:
Complete Notary
Omitted

SUBMITTED THIS 22nd day of December 1994.

FOR RB DEVELOPMENT:

Dr. Larry Campbell Celia Campbell
Dr. Larry Campbell Celia Campbell, husband and wife

Robert Kildall Judy K. Kildall
Robert Kildall Judy Kildall, husband and wife

Michael Lewis Mary Jo Lewis
Michael Lewis Mary Jo Lewis, husband and wife

Monte Maberry Christie Maberry
Monte Maberry Christie Maberry, husband and wife

Charles Price

Charles Price

Leslie Price

Leslie Price, husband and wife

FOR HERITAGE PARK:

Dr. Larry Campbell

Dr. Larry Campbell

Celia Campbell

Celia Campbell, husband and wife

APPROVED:
CITY OF LYNDEN

BY *Jon A. Manning*
Mayor

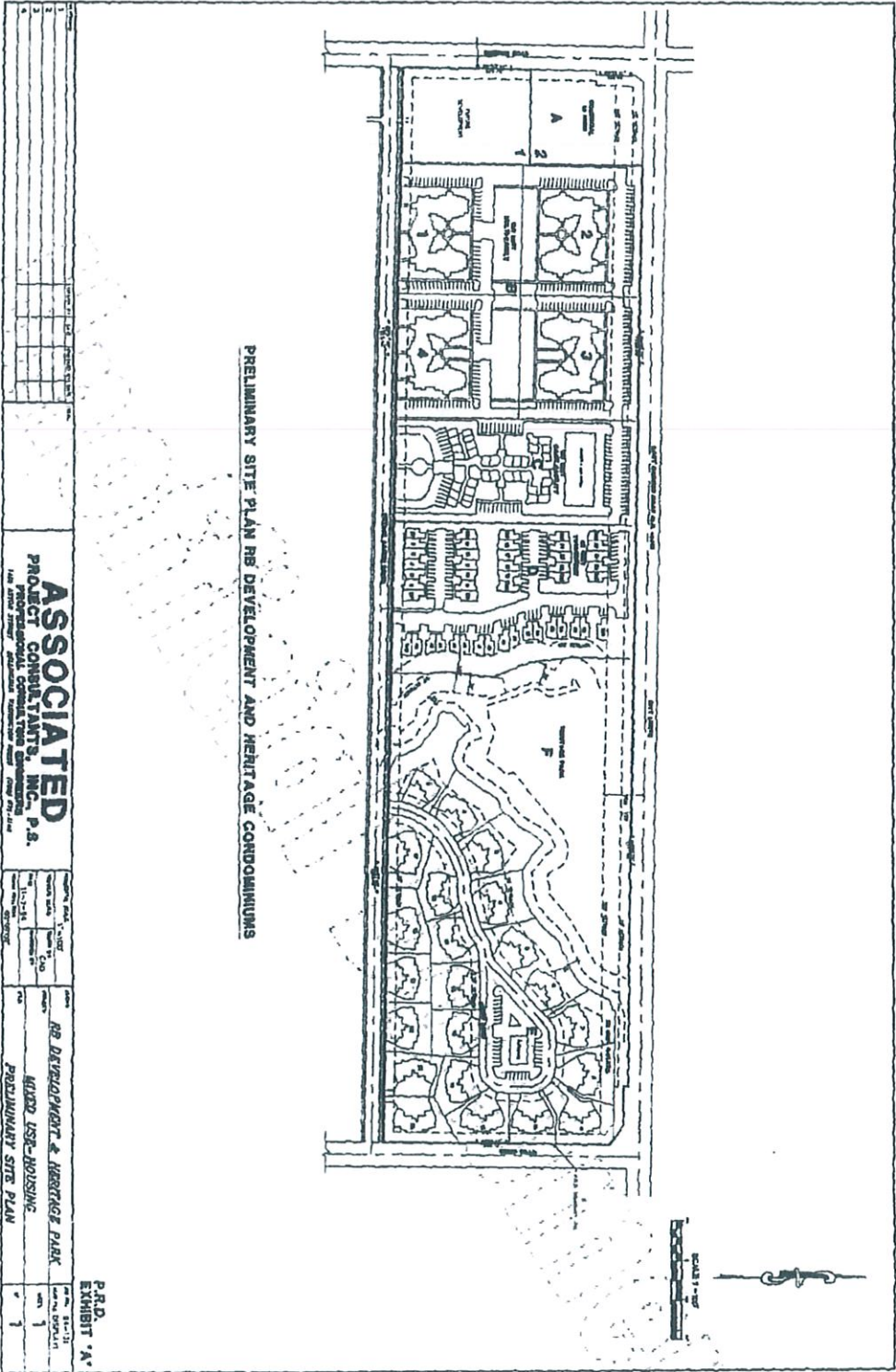
APPROVED AS TO FORM:

[Signature]
City Attorney

BY *Joseph M. Rippe*
Public Works Director

WHATCOM COUNTY
AUDITOR'S NOTE:
Complete Notary
Omitted

Vol: 424 Page: 1286
File No: 941227078



PRELIMINARY SITE PLAN RB DEVELOPMENT AND HERITAGE CONDOMINIUMS

1	DATE	DESCRIPTION	BY
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
28			
29			
30			
31			
32			
33			
34			
35			
36			
37			
38			
39			
40			
41			
42			
43			
44			
45			
46			
47			
48			
49			
50			
51			
52			
53			
54			
55			
56			
57			
58			
59			
60			
61			
62			
63			
64			
65			
66			
67			
68			
69			
70			
71			
72			
73			
74			
75			
76			
77			
78			
79			
80			
81			
82			
83			
84			
85			
86			
87			
88			
89			
90			
91			
92			
93			
94			
95			
96			
97			
98			
99			
100			

ASSOCIATED
 PROJECT CONSULTANTS, INC., P.S.
 180 AVENUE STREET, SUITE 200, WASHINGTON, D.C. 20005
 TEL: (202) 462-1100 FAX: (202) 462-1101

DATE: 11-11-87
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 PROJECT: RB DEVELOPMENT & HERITAGE PARK
 SHEET: GRAND USE-ROUSING
 PRELIMINARY SITE PLAN

P.R.D.
 EXHIBIT 'A'

EXHIBIT "B"

LEGAL DESCRIPTION

|

Lots A and B of the Heritage Park Lot Line Adjustment as Filed in Volume 31 of Short Plats, Page 50, Records of the Auditor, Whatcom County, Washington.

Subject and Together with all Easements, Covenants and Restrictions of Record.

Vol: 424 Page: 1288
File No: 941227078

EXHIBIT "C"

LANDSCAPE IMPROVEMENTS

<u>Biological Name</u>	<u>Common Name</u>	<u>Minimum Size</u>	<u>Spacing on Center</u>
SHRUBS:			
Cornus Stolonifera	Red Twigg	1 gal. 3/4' ball root	4-6'
Spirea Douglasii	Western Spirea	1 gal. 3/4' ball root	4-6'
Symphoricarpos	Snowberry	1 gal. 3/4' ball root	4-6'
TREES:			
Acer Circinalum	Vine Maple	2" caliper	15-20'
Betulu Papyrifera	Paper Birch	2" caliper	15-20'
Sorbus Aucuparia	Mountain Ash	2" caliper	25-30'
Thuja Placata	Western Red Cedar	2" caliper	25-30'
Tsuga Heterophylla	Western Hemlock	2" caliper	25-30'
Pseudotsuga Menziesii	Douglas Fir	2" caliper	25-30'

WHATCOM COUNTY
 BELLINGHAM, WA
 12/27/94 1:44 PM
 REQUEST OF: LESA STAR
 Shirley Forslof, AUDITOR
 BY: TRP, DEPUTY
 121:90 CONTR.

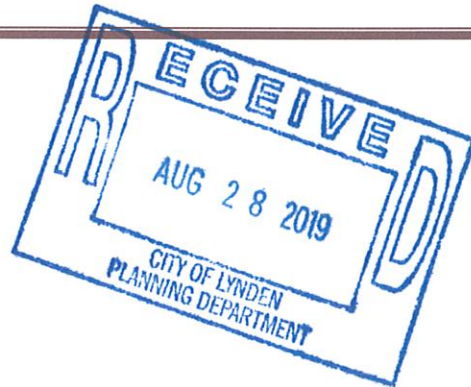
Vol: 424 Page: 1289
 File No: 941227078



855 Aaron Drive
Lynden, WA 399
(P) 360-354-4434
(F) 360-354-3768
www.chclynden.org
State License #1322

August 28, 2019

Heidi Gudde
Planning Director
300 4th Street
Lynden, WA 98264



Dear Heidi,

The board of trustees of Christian Health Care Center have requested that I write a letter to you regarding the project proposal at 801 Aaron Drive.

The concept of having senior housing in that location has merit. First of all it is located next to other senior oriented facilities, is on the bus route and is within walking distance of other stores and restaurants. The primary concern from adding 50 new units would be the availability of parking. Currently many cars from that development are already parked on the street. Will there be adequate guest parking available as well as resident parking? Is there adequate room on that campus to add 50+ parking spots? While the assumption is one parking spot per unit, how will they handle people that have 2 vehicles?

If you have any questions or would like to discuss this further, please contact me at (360) 305-5374.

Sincerely,

Patrick O'Neill

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	December 2, 2019	
Name of Agenda Item:		
Section of Agenda:	Other Business	
Department:	Parks	
Council Committee Review:	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input checked="" type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
	Legal Review: <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required	
Attachments:		
	Draft Parks Committee Minutes November 18, 2019	
Summary Statement:		
	See Next Page	
Recommended Action:		
	For Council Review	



PARKS COMMITTEE AGENDA

4: 00 PM. Nov. 18, 2019

1. **Roll Call:**

Members Present:

Mayor Scott Korthuis; Councilors, Ron DeValois, Nick Laninga, and Brent Lensen

Members Absent:

Councilor, Mark Wohlrab with notice

Staff Present:

Parks Director Vern Meenderinck; and Admin, Assistant Nancy Norris

2. **Action Items:**

A. **Approval of minutes from Oct. 21, 2019**

DeValois motioned to approve the minutes, Laninga seconded the motion

Action:

The Minutes from October 21, 2019 were approved.

B. **Response to proposed road thru Benson Property**

Parks Committee reviewed and discussed the latest draft plan for Pepin Creek Development. Parks Committee does not support this plan for the park development. It was the wishes and agreement with the Heusinkveld's the property not be turned into a housing development, and to retain 40 acres for park and recreation and the park property is to abut Pepin Creek. The proposed road thru the park property is *Not* supported at all.

Action:

Parks Committee adamantly opposes the latest proposed plan for Pepin Creek. Parks Committee stands firm, that at this time the whole 40 acres be retained for Park and Recreation development only, and NO thru arterial road be allowed to go thru the Park property.

C. **Bond issue projects:**

Benson Park:

Need to start making solid plans for the Benson property Road, parking, water, sewer, restrooms. Parks Committee is in agreement that the bond money for Benson Park be put towards a visible project.

Dickinson Park:

Trail connection and Bridges is the focus for Dickinson Park. Currently blackberry vines have been cleared in the area that a bridge would cross Fish Trap Creek.

Action:

Parks Committee approved to develop the Heusinkveld Barn and restrooms.

The mayor will request the use of water and sewer funds, for the water and sewer connections for the development of Benson Park.



3. Information items:

A. **Rotary project:**

Making great progress:

- The 3rd boulder should arrive next week (11/25/19)
- All the sod was laid with the help of the LHS Football Team this was accomplished in a few hours.
- Tree mitigation completed with the help of LHS Ag. Students and ALCOA approximately 200 volunteers planted over 1000 trees and shrubs planted in a few hours.
- The Blacktop has been postponed until next spring

B. **Impact Fees:**

Continue looking at what impact fees for parks should look like for budgeting next year. Currently our Park impact fees are approximately \$1000 less than other comparable City's.

C. **Art wall report:**

No Report

D. **Pump track report:**

Kevin Rus will attend a council meeting in December.

E. **Park camera's:**

Cameras have been ordered

F. **Berthusen Restrooms:**

Public Works is moving forward with R&E taking the lead on getting permits, ordering, and finding contractors. They Hope to be finished by early spring??

4. Items added:

Lynden Jim Park:

Bob Libolt called the Park Office and asked if it is the desire of the Parks Dept. to keep the small building out at Lynden Jim Park that is used as the Contractors office for any specific purpose.

Action:

Parks Committee sees no use for the building, recommending Libolt remove the building as he sees fit.

Rec. District Bond Promotional Committee:

Parks Committee would like to thank and congratulate the Rec. District Bond Promotional Committee in their dedication and success on passing the Bond.

Meeting Adjourned at 4:44pm.

Next meeting: December 16, 2019

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	December 2, 2019	
Name of Agenda Item:	Calendar	
Section of Agenda:	Other Business	
Department:	Administration	
Council Committee Review:	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input type="checkbox"/> Other: N/A
	Legal Review: <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required	
Attachments:	Outlook Calendar	
Summary Statement:	See next page.	
Recommended Action:	None	

December 2, 2019

404

Monday

3:30 PM - 4:30 PM

Public Safety Committee Meeting -- Police Training Room

7:00 PM - 9:00 PM

Council Meeting -- Annex Council Chamber; Annex East Training Room; Annex North East Conference Room; Annex South East Conference Room

December 3, 2019

Tuesday

8:30 AM - 9:30 AM

LT Meeting -- City Hall 1st Floor Large Conference Room

5:00 PM - 6:30 PM

Design Review Board Meeting -- Annex South East Conference Room

December 4, 2019

Wednesday

9:00 AM - 5:00 PM

Court -- Annex Council Chamber; Annex East Training Room; Annex North East Conference Room; Annex South East Conference Room

10:00 AM - 11:00 AM

Check-In -- Mike's Office

4:15 PM - 6:00 PM

Public Works Committee Meeting -- City Hall 2nd Floor Large Conference Room

December 5, 2019

Thursday

9:00 AM - 10:30 AM

Technical Review Committee -- City Hall 2nd Floor Large Conference Room

4:00 PM - 6:00 PM

Community Development Committee Mtg -- City Hall 2nd Floor Large Conference Room

December 6, 2019

405

Friday

8:30 AM - 9:30 AM

Check In-Mike/Anthony -- Mike's Office

December 9, 2019

Monday

9:00 AM - 10:00 AM

Check-In Vern/Mike -- Mike's Office

December 11, 2019

Wednesday

9:00 AM - 10:00 AM

Check-In Mark/Mike -- Mike's Office

7:00 PM - 9:00 PM

Rec. District Meeting -- Annex South East Conference Room

December 12, 2019

Thursday

2:00 PM - 3:00 PM

All Staff-Public Works -- Annex Council Chamber
Public Works Hosting

7:30 PM - 9:30 PM

Planning Commission Meeting -- Annex Council Chamber

December 13, 2019

Friday

10:00 AM - 11:00 AM

Check-In Steve/Mike -- Mike's Office

11:00 AM - 12:00 PM

Check-In Heidi/Mike -- Mike's Office

December 16, 2019

Monday

3:00 PM - 4:00 PM

Finance Committee Meeting -- City Hall 1st Floor Large Conference Room
Visit WWW.LYNDENWA.ORG to view the agenda

Monday

4:00 PM - 5:00 PM

Parks Committee -- City Hall 1st Floor Large Conference Room

7:00 PM - 9:00 PM

Copy: Council Meeting -- Annex Council Chamber; Annex East Training Room; Annex North East Conference Room; Annex South East Conference Room